

New Judges  
Orientation: Part II  
*Plenary*

May 12 & 13, 2025  
Thomas J. Moyer  
Ohio Judicial Center,  
Columbus



THE SUPREME COURT *of* OHIO  
JUDICIAL COLLEGE





THE SUPREME COURT of OHIO  
JUDICIAL COLLEGE

**New Judges Orientation: Part II**

**May 12-15, 2025**

**Thomas J. Moyer Ohio Judicial Center Columbus, Ohio**

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**(29.75 Total Judicial College hours applied for, including 4.75 hours of Judicial Conduct)**

**AGENDA**

**Self-Study Online Courses (Available 24/7) that must be completed before New Judges Orientation Part II:**

1. *Human Resources Basics for Judges* (1.25 General Judicial College Hours)
2. *Personal Security for Judicial Officers* (0.75 General Judicial College Hours)
3. *Court Security for All Court Employees* (0.75 General Judicial College Hours)

**Optional Self-Study Online Course:**

1. *Advanced Hearsay –Exceptions* (1.0 General Judicial College credit) Also available: *Hearsay Basics and Advanced Hearsay –Admissions via OhioCourtEDU*
2. *Behavioral Health Fundamentals for Courts* (1.50 General CLE credit)
3. *Bias and the Courts for Judges and Magistrates* (1.00 Judicial Professional Conduct credit)
4. *Substance Use and the Courts* (1.50 Judicial Professional Conduct credit)

**MONDAY, MAY 12 (maximum of 1.50 general and 3.75 judicial conduct)**

- 9:00 Welcome and Introductions  
Hon. Stephen L. McIntosh, *Franklin County Court of Common Pleas, General Division*  
Laura Tainer, *Senior Education Program Manager, Judicial College, Supreme Court of Ohio*  
Chris Hohenberger, *Education Program Manager, Judicial College, Supreme Court of Ohio*
- 9:15 Judicial Ethics**  
Hon. Taryn L. Heath, *Stark County Court of Common Pleas, General Division*  
Richard A. Dove, Esq., *Director, Ohio Board of Professional Conduct*  
D. Allan Asbury, Esq., *Senior Counsel, Board of Professional Conduct*
- 10:15 Break
- 10:30 Judicial Ethics, continued**
- 12:00 Lunch
- 12:30 Docket Management**  
Hon. Kristin G. Farmer, *Stark County Court of Common Pleas, General Division*  
Hon. Randall D. Fuller, *Delaware County Court of Common Pleas, Domestic Relations Division*
- 1:30 Break
- 1:45 Access to Justice and Fairness in the Courts (Ohio Code of Judicial Conduct Rule 2.3)**  
Hon. Todd L. Grace, *Athens County Municipal Court*  
Hon. Stephen L. McIntosh, *Franklin County Court of Common Pleas, General Division*

- 3:00 Resources Roundup**  
Christopher Hohenberger, *Education Program Manager, Judicial College, Supreme Court of Ohio*
- 3:30 Day 1 Plenary Concludes

**TUESDAY, MAY 13 (maximum of 4.50 general and 1.00 judicial conduct)**

**PLENARY**

- 8:30 Opening remarks
- 8:45 Tips Regarding New Media and Traditional Media**  
Hon. Kate Huffman, *Second District Court of Appeals*  
Daniel Trevas, Esq., *Judicial Systems Writer, Supreme Court of Ohio*
- 9:15 Substance Use, Mental Health, and the Courts (Gov.Jud.R. IV(3)(C)(3))**  
Hon. Joyce Campbell, Retired, *Fairfield Municipal Court*  
Hon. John M. Durkin, *Mahoning County Court of Common Pleas, General Division*  
Krisanna Deppen, MD, *Program Director, Grant Medical Center Addiction Medicine Fellowship at OhioHealth*
- 10:15 Break
- 10:30 Evidence**  
Hon. D. Chris Cook, *Lorain County Court of Common Pleas, General Division*  
Hon. Joy Malek Oldfield, *Summit County Court of Common Pleas, General Division*
- 12:00 Day 2 Plenary Concludes  
Lunch

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**1:00 JURISDICTION SPECIFIC BREAKOUTS SESSIONS: (maximum of 3.25 general)**

**APPELLATE TRACK**

- Faculty: Hon. Julia L. Dorrian, *Tenth District Court of Appeals*  
Hon. Christopher B. Epley, *Second District Court of Appeals*  
Hon. Michael T. Hall, Retired, *Second District Court of Appeals*  
Hon. Gene A. Zmuda, *Sixth District Court of Appeals*
- 1:00 Questions Since Taking the Bench**
- 1:45 Civic Responsibilities and Professionalism of the Appellate Judge**  
Hon. Michael T. Hall, Retired, *Second District Court of Appeals*
- 2:15 Break
- 2:30 Standards of Review (Role of Appellate Court in Reviewing a Trial Court's Discretion)**  
Hon. Michael T. Hall, Retired, *Second District Court of Appeals*
- 3:00 Judges and Administrative Tasks and Processes**  
Hon. Julia L. Dorrian, *Tenth District Court of Appeals*

Hon. Christopher B. Epley, *Second District Court of Appeals*  
Hon. Michael T. Hall, Retired, *Second District Court of Appeals*  
Hon. Gene A. Zmuda, *Sixth District Court of Appeals*

4:15 Appellate Track Adjourns

### **COMMON PLEAS TRACK**

**1:00 Q & A - What's Buggin' Me – as to Trial Protocol and Trial Skills**

Hon. Joy Malek Oldfield, *Summit County Court of Common Pleas, General Division*  
Hon. Stephen L. McIntosh, *Franklin County Court of Common Pleas, General Division*  
Hon. Matthew L. Reger, *Wood County Court of Common Pleas, General Division*  
Hon. Cynthia Westcott Rice, *Trumbull County Court of Common Pleas, General Division*

**1:15 Trial Protocol**

Hon. Joy Malek Oldfield, *Summit County Court of Common Pleas, General Division*  
Hon. Stephen L. McIntosh, *Franklin County Court of Common Pleas, General Division*  
Hon. Matthew L. Reger, *Wood County Court of Common Pleas, General Division*  
Hon. Cynthia Westcott Rice, *Trumbull County Court of Common Pleas, General Division*

2:30 Break

**2:45 Trial Skills Workshop**

Hon. Sherrie M. Miday, *Cuyahoga County Court of Common Pleas, General Division*  
Hon. Donald E. Oda II, *Warren County Court of Common Pleas, General Division*  
Hon. Nick A. Selvaggio, *Champaign County Court of Common Pleas, General Division*

4:30 Common Pleas Track Adjourns

### **DOMESTIC RELATIONS TRACK**

Faculty: Hon. Randall Fuller, *Delaware County Court of Common Pleas, Domestic Relations Division*  
Hon. Denise McColley, Retired, *Henry County Court of Common Pleas, Domestic Relations and Juvenile Divisions*  
Ms. Amy Armstrong, *Family Resource Coordinator, Delaware County Court of Common Pleas, Domestic Relations Division*  
Ms. Rebekah Smith, CPA, CVA, MAFF, CFF, *Director of Forensic and Dispute Advisory Services, GPQ Consulting, LLC*

**1:00 Courtroom Management, Case Flow Management, and Time Guidelines Local Rules**

2:15 Break

**2:30 Judicial Writing and Review for Domestic Relations Judges**

- Who is your audience?
- Review of Magistrate Entries
- Motions to Set Aside
- Motions to Vacate
- 60(B) Motions
- Objections to Magistrate Decisions

4:15 Conclude

## **JUVENILE TRACK**

Faculty: Hon. David Hejmanowski, *Delaware County Court of Common Pleas, Probate and Juvenile Divisions*  
Hon. Frank Janik, *Lorain County Court of Common Pleas, Domestic Relations and Juvenile Divisions*  
Hon. Matthew P. Puskarich, *Harrison County Court of Common Pleas, Probate and Juvenile Divisions*

**1:00 Delinquency and Unruly**

2:30 Break

**2:45 Delinquency and Unruly, continued**

4:15 Conclude

## **MUNICIPAL/COUNTY TRACK**

**1:00 OVI Motions to Suppress**

Hon. Brian F. Hagan, *Rocky River Municipal Court*

3:00 Break

**3:15 Evidence**

Hon. Brian F. Hagan, *Rocky River Municipal Court*

4:30 Municipal/County Track Adjourns

## **WEDNESDAY, MAY 14 (maximum of 6.75 general)**

**8:30 JURISDICTION SPECIFIC BREAKOUTS SESSIONS, CONTINUED:**

## **APPELLATE TRACK**

Faculty: Hon. Julia L. Dorrian, *Tenth District Court of Appeals*  
Hon. Christopher B. Epley, *Second District Court of Appeals*  
Hon. Michelle J. Sheehan, *Eighth District Court of Appeals*  
Hon. William R. Zimmerman, *Third District Court of Appeals*  
Hon. Gene A. Zmuda, *Sixth District Court of Appeals*

**9:00 Attend Supreme Court Arguments**

**Post Session Debrief: Being Mindful of Your Writings!**

Hon. Julia L. Dorrian, *Tenth District Court of Appeals*  
Hon. Christopher B. Epley, *Second District Court of Appeals*  
Hon. Michelle J. Sheehan, *Eighth District Court of Appeals*  
Hon. William R. Zimmerman, *Third District Court of Appeals*  
Hon. Gene A. Zmuda, *Sixth District Court of Appeals*

11:30 Lunch and Q & A with Justices

**1:00 Writing – What Works, What Doesn't, Issues for Discussion**

Hon. Michelle J. Sheehan, *Eighth District Court of Appeals*

2:30 Break

- 2:45 Recurring and New Criminal Issues**  
Hon. Julia L. Dorrian, *Tenth District Court of Appeals*  
Hon. Christopher B. Epley, *Second District Court of Appeals*  
Hon. Michelle J. Sheehan, *Eighth District Court of Appeals*  
Hon. William R. Zimmerman, *Third District Court of Appeals*  
Hon. Gene A. Zmuda, *Sixth District Court of Appeals*

4:00 Appellate Track Adjourns

### **COMMON PLEAS TRACK**

- 8:45 Q&A - What's Buggin' Me – as to Pleas and Sentencing**  
Hon. Joy Malek Oldfield, *Summit County Court of Common Pleas, General Division*  
Hon. Stephen L. McIntosh, *Franklin County Court of Common Pleas, General Division*  
Hon. Matthew L. Reger, *Wood County Court of Common Pleas, General Division*  
Hon. Cynthia Westcott Rice, *Trumbull County Court of Common Pleas, General Division*
- 9:00 Pleas, including Judicial Participation in Plea Negotiations**  
Hon. Nick Selvaggio, *Champaign County Court of Common Pleas, General Division*
- 10:15 Break
- 10:30 Bulletproof Your Convictions**  
Hon. Cynthia Westcott Rice, *Trumbull County Court of Common Pleas, General Division*
- 12:00 Lunch
- 12:45 After Plea, Before Sentencing**  
Hon. Stephen L. McIntosh, *Franklin County Court of Common Pleas, General Division*
- 2:00 Break
- 2:15 Sentencing and Post-Sentencing Issues**  
Hon. Matthew L. Reger, *Wood County Court of Common Pleas, General Division*
- 4:00 Common Pleas Track Adjourns

### **DOMESTIC RELATIONS TRACK**

- 8:30 Advanced Domestic Abuse**
- Competing Time with CPO
  - Civil Parentage and Divorce
- 10:00 Break
- 10:15 Advanced Parenting Issues**
- Interviewing Children
  - Third Party Custody and Allegations of Physical, Mental, Drug, Alcohol Abuse, and/or Mental Health Issues
  - Non-traditional parentage considerations
- 11:45 Lunch

- 12:30 Mental Health and DR Court**
- Child Development
  - PC Role
  - Parent Child Contact Problems

2:00 Break

**2:15 Mental Health and DR Court, *continued***

**3:30 Contempt**

4:15 Conclude

### **JUVENILE TRACK**

8:00 Travel to Ohio Department of Youth Services – Circleville Juvenile Correctional Facility Site Visit

**9:15 Ohio Department of Youth Services – Circleville Juvenile Correctional Facility Site Visit**

12:00 Travel to Supreme Court of Ohio and Lunch Break

**1:00 Traffic**

**1:30 Breakout Groups**

- Small Court Group
- Medium Court Group
- Large Court Group
  - Administrative Duties
  - Engagement with other judges and court staff
  - Open Discussion: Questions, Challenges, Issues

2:45 Break

**3:00 Caseflow Management and Time Guidelines**

4:15 Conclude

### **MUNICIPAL/COUNTY TRACK**

**8:30 Fines, Costs, and Restitution**

Hon. Joshua Berkowitz, *Hamilton County Municipal Court*

10:30 Break

**10:45 Domestic Violence**

Hon. Thomas A. Januzzi, *Oberlin Municipal Court*

12:15 Lunch (**45-minute lunch**)

**1:00 Domestic Violence, continued**

- 1:30 Traffic**  
Hon. Carla J. Baldwin, *Youngstown Municipal Court*  
Hon. Terri L. Stupica, *Chardon Municipal Court*
- 2:45 Break
- 3:00 Traffic, continued**
- 4:30 Municipal/County Adjourns

**THURSDAY, MAY 15 (maximum of 5.00 general)**

**9:00 JURISDICTION SPECIFIC BREAKOUTS SESSIONS, CONTINUED:**

**APPELLATE TRACK**

Faculty: Hon. Julia L. Dorrian, *Tenth District Court of Appeals*  
Hon. Christopher B. Epley, *Second District Court of Appeals*  
Hon. Michelle J. Sheehan, *Eighth District Court of Appeals*  
Hon. William R. Zimmerman, *Third District Court of Appeals*  
Hon. Gene A. Zmuda, *Sixth District Court of Appeals*

**9:00 Motion Practice in Appellate Court**  
Hon. Michelle J. Sheehan, *Eighth District Court of Appeals*

10:30 Break

**10:45 Juvenile (Bind Overs) and Probate Issues (Standards of Review in Equity)**  
Hon. William R. Zimmerman, *Third District Court of Appeals*

12:00 Lunch

**1:00 Administrative Law – Process and Review**  
Hon. Julia L. Dorrian, *Tenth District Court of Appeals*

2:15 Break

**2:30 Final Issues & Roundtable Discussions**  
Hon. Julia L. Dorrian, *Tenth District Court of Appeals*  
Hon. Christopher B. Epley, *Second District Court of Appeals*  
Hon. Gene A. Zmuda, *Sixth District Court of Appeals*

- Res judicata and law of the Case, Issue preclusion
- Post-conviction Relief, Post-sentence Motions
- New Trial and Withdrawal of a Plea
- Handling Contempt matters
- Summary Judgment
- Public Records Requests
- Plain error analysis (civil & criminal)

3:00 Program Concludes

## **COMMON PLEAS TRACK**

- 8:45 Q&A - What's Buggin' Me – as to Civil Law and Procedure**  
Hon. Joy Malek Oldfield, *Summit County Court of Common Pleas, General Division*
- 9:00 Civil Law and Procedure**  
Hon. Joy Malek Oldfield, *Summit County Court of Common Pleas, General Division*
- 10:30 Break
- 10:45 Civil Law and Procedure, continued**
- 12:15 Lunch (**45-minute lunch**)
- 1:00 Civil Law, continued**  
Hon. Joy Malek Oldfield, *Summit County Court of Common Pleas, General Division*
- 3:00 Program Concludes

## **DOMESTIC RELATIONS TRACK**

- 9:00 Advanced Financial Issues**
- Business Valuations
  - Advanced Pension
    - Social Security Fairness Act
  - Issues Regarding Lack of Valuation
  - Financial Misconduct
- 10:15 Break
- 10:30 Advanced Financial Issues, continued**
- 12:15 Lunch (Working Lunch in Room)
- 12:30 Competing Jurisdiction and Venue**
- 1:45 Break
- 2:00 Competing Jurisdiction and Venue, continued**
- 2:30 Juvenile, Domestic Relations, or Probate Court? (Which Court has jurisdiction)**
- 3:00 Program Concludes

## **JUVENILE TRACK**

- 9:00 Abuse, Neglect, and Dependency**
- 10:30 Break
- 10:45 Child Support, Custody, and Parentage**

- 12:15 Lunch – Working lunch; Pick up lunches and reconvene
- 12:30 Leadership, Philosophy, and Professional Development of a Juvenile Court Judge**
- Community Outreach
  - Judicial Conduct
  - Other Judicial Considerations
- 1:45 **Open Discussion – Questions, Challenges, etc.**
- 2:30 Program Concludes

### **MUNICIPAL/COUNTY TRACK**

- 9:00 Small Group Roundtables**  
 Hon. Teresa L. Ballinger, *Marion Municipal Court*  
 Hon. James A. Fields, *Fairfield County Municipal Court*
- 11:00 Break
- 11:15 Trial Skills Workshop**  
 Hon. Todd L. Grace, *Athens Municipal Court*  
 Hon. Thomas M. Hanna, Retired, *Kettering Municipal Court*
- 12:15 Lunch (**45-minute lunch**)
- 1:00 Trial Skills Workshop, continued**  
 Hon. Todd L. Grace, *Athens Municipal Court*  
 Hon. Thomas M. Hanna, Retired, *Kettering Municipal Court*
- 3:00 Program Concludes

### **PROBATE TRACK**

Faculty: Hon. Kelly Badnell, *Richland County Court of Common Pleas, Probate Division*  
 Hon. James T. Walther, *Lorain County Court of Common Pleas, Probate Division*

- 9:00 Duties of a Probate Court Judge – Overview Clerk of Your Own Court**
- 9:45 Estate Administration**
- 10:30 Adoption**
- 11:00 Break
- 11:15 Guardianship**
- 12:00 Lunch – Pick up boxed lunches and reconvene
- 12:15 Attorney Fees**
- 12:45 Administrative Duties**
- 1:45 Local Rules**

- 2:00      **Miscellaneous/Current Issues**
- 2:30      **General Questions and Answers**
- 3:00      Conclude

**FRIDAY, MAY 16, 2025**

**DOMESTIC RELATIONS TRACK**

- 8:30      Convene
- 10:00     Break
- 10:15     Reconvene
- Noon      Lunch
- 12:30     Reconvene
- 1:45      Break
- 2:00      Reconvene
- 3:30      Conclude

- **Courtroom Management, Case Flow Management, and Time Guidelines, Local Rules**
- **Judicial Writing and Review for Domestic Relations Judges**
  - Who is your audience?
  - Review of Magistrate Entries
  - Motions to Set Aside
  - Motions to Vacate
  - 60(B) Motions
  - Objections to Magistrate Decisions
- **Advanced Domestic Abuse**
  - Competing Time with CPO
  - Civil Parentage and Divorce
- **Advanced Parenting Issues**
  - Interviewing Children
  - Third Party Custody and Allegations of Physical, Mental, Drug, Alcohol Abuse, and/or Mental Health Issues
  - Non-traditional parentage considerations
- **Mental Health and DR Court**
  - Child Development
  - PC Role
  - Parent Child Contact Problems
- **Contempt**
- **Advanced Financial Issues**
  - Business Valuations
  - Advanced Pension
    - Social Security Fairness Act
  - Issues Regarding Lack of Valuation
  - Financial Misconduct

- **Competing Jurisdiction and Venue**
- **Juvenile, Domestic Relations, or Probate Court? (Which Court has jurisdiction)**

Faculty: Hon. Randall Fuller, *Delaware County Court of Common Pleas, Domestic Relations Division*  
 Hon. Denise McColley, Retired, *Henry County Court of Common Pleas, Domestic Relations and Juvenile Divisions*  
 Ms. Rebekah Smith, CPA, CVA, MAFF, CFF, *Director of Forensic and Dispute Advisory Services, GPQ Consulting, LLC*

**PROBATE TRACK**

Faculty: Hon. James T. Walther, *Lorain County Court of Common Pleas, Probate Division*  
 Hon. Philip Alan B. Mayer, Retired, *Richland County Court of Common Pleas, Probate Division*

**9:00 Discussion: Successes, Challenges, and Questions**

**9:15 Will Contests and Trial Management**

10:15 Break

**10:30 Name Changes/Name Conformities**

**11:15 Birth Certificates/Birth Corrections**

12:00 Lunch – Pick up boxed lunches and reconvene

**12:15 Trusts**

- Special Needs
- PSA
- Removal of Trustee
- Eminent Domain
- Contempt
- Service

**2:00 Special Topics**

- BCI
- Media (recording)
- Local rules

**2:30 Open Discussion – Questions, Challenges, etc.**

3:00 Conclude



## FACULTY BIOGRAPHIES

**AMY ARMSTRONG** has 25-years of experience serving parents as an educator and parent coach. Amy received her coach training through The Parent Coaching Institute and the George Mason Leadership Coaching for Organizational Well-Being. She received her Masters in Social Work in 2011 and began serving as a coach on Collaborative divorce cases and as mediator through the Franklin County, Ohio Domestic Relations Court. Amy founded The Center for Family Resolution in 2015 to provide mediation, coaching and parenting coordination for court-involved moms and dads. Through her work, Amy empowers moms and dads both in and out of court to navigate big emotions and heal from conflict, separation and divorce.

In 2020 Amy joined the staff at the Delaware County, Ohio Domestic Relations Court where she serves as a resource coordinator for parents and leads the co-parent coaching program for separating and divorcing moms and dads. Additionally, Amy is an active member of the Ohio Chapter of the Association of Family and Conciliation Courts, and actively participates on committees for The Ohio Supreme Court to review and update the rules affecting domestic relations. She also launched an accredited coach training program, the Center for Coach Development, in 2020. Amy published her first book, *Real-Time Parenting* in 2021 and is scheduled to launch her second book, *The Conflict Cure: How to Be Your Own Peacekeeper in a Chaotic World*, in the fall of 2023.

**D. ALLAN ASBURY** joined the Ohio Board of Professional Conduct in 2014 as Senior Counsel. Before joining the Board, Allan served as Administrative Counsel for the Supreme Court and Secretary of the Board on the Unauthorized Practice of Law. His primary duties for the Board include researching and drafting advisory opinions, providing ethics advice to Ohio lawyers, judges, and judicial candidates, and assisting in the Board's ethics outreach and education efforts. Allan received his undergraduate and law degrees from Capital University. He began his practice of law as in-house counsel for a regional transit authority where he had primary responsibility for personal injury defense, labor, and employment matters. He is admitted to practice in Ohio, United States District Court for the Southern District of Ohio, and the U.S. Supreme Court. Allan is a Certified Court Manager (CCM) through a certification program of the National Center for State Courts.

**CARLA J. BALDWIN** was elected as a Judge in Youngstown Municipal Court in 2017. She has served as Administrative and Presiding Judge of Youngstown Municipal Court since the fall of 2018. She presides over misdemeanor criminal cases and traffic cases and Drug Court.

The Judge received her Bachelor of Arts degree in Political Science from Capital University (Columbus, OH). She obtained her Juris Doctorate degree from Thomas M. Cooley Law School (Lansing, MI) with a concentration in Litigation. She has been a member of the Ohio Bar since 2008.

She most recently worked as a full-time Magistrate in Mahoning County Juvenile Court where she presided over Mental Health Court. Prior to this appointment she worked for the Mahoning County Prosecutor's Office as an Assistant County Prosecutor in both the Criminal and Juvenile Divisions. Judge Baldwin is a faculty member for All Rise, the national leader in helping jurisdictions across the country ensure substance use and mental health disorders are addressed in treatment courts that promote treatment and recovery for our most vulnerable. She is also a member of the Pretrial Practitioner Network with the Center for Effective Public Policy which provide training and technical assistance to communities who seek to achieve fair, just and equitable pretrial practices.

She presently serves on the Executive Board of the Ohio Judicial Conference, as a Trustee for the Ohio State Bar Foundation and is the immediate Past President of the Mahoning County Bar Association.

Judge Baldwin and her husband Brandon are proud lifelong residents of Youngstown.

Judge Carla J. Baldwin made history on November 7, 2017, when she became the first African-American female elected as judge in Mahoning County.

**TERESA L. BALLINGER**, Marion County Municipal Court Judge, was born in Marion, Ohio and graduated from Pleasant High School in 1975. She attended Ohio Dominican University in Columbus, Ohio and received a BA in Psychology/Social Work in 1979. In 1984, Judge Ballinger returned to Ohio Dominican and completed an education program.

Judge Ballinger began her professional career as a case worker in 1979 at the Marion County Job and Family Services. In 1980, she accepted a position as a social worker for the Marion City Schools. From 1984 through 1995, she taught Social Studies and Special Education at Pleasant High School.

Judge Ballinger attended law school from 1990 through 1993, receiving her JD in 1994, and was admitted into the practice of law in the state of Ohio in November of 1994. She began her legal career in private practice with Ted Coulter, Steve Phillips and Brent Yager on South Main Street in Marion, Ohio.

In December of 2004, Judge Ballinger was appointed to the Marion County Municipal Court and, thereafter in November of 2005, was elected to her first term as Judge of the Marion County Municipal Court. She is currently serving her fourth term.

The Judge's professional activities include the following: Trustee of the Ohio Municipal and County Judges Association; Ohio Supreme Court Specialized Dockets Commission; Ohio State Bar Association; Marion County Bar Association; Marion Ohio Rotary Club; Junior Service Guild; Women's Business Council; and member Marion Matters Inc.

Since Judge Ballinger has taken the bench in the Marion Municipal Court, she instituted a victim assistant program at the court, commenced an aggressive collections program to capture past-due fines and costs, established a probation fee to supplement the probation budget, created a "driving-under-suspension" docket to assist and guide individuals in the acquiring a valid driver's license, and implemented three specialized dockets to address mental health, substance abuse, and veteran offender issues.

Judge Ballinger and her husband, John Shank, reside in Marion, Ohio. She has two sons, three step children and nine grandchildren. She enjoys hiking, pickleball, and spending time with her grandchildren.

**JOSH BERKOWITZ** serves on the Hamilton County Municipal Court, 4th District. Judge Berkowitz hears cases from all over Hamilton County in one of Ohio's busiest courts. These include criminal, civil, & traffic cases.

Before taking the bench, Judge Berkowitz served as an Assistant Hamilton County Prosecutor in the felony/trial division. Judge Berkowitz also served as Law Director for the City of Norwood, where he was the city's Chief Legal Officer.

Judge Josh Berkowitz was born & raised in Cincinnati and is a graduate of Elder High School, The Ohio State University, & Capital University Law School.

**JOYCE A. CAMPBELL** was a judge for the Fairfield Municipal Court since 1999 and retired in October 2024. She presided over a certified specialized mental health court docket since 2001 and an OVI (drug and alcohol) docket since 2008. Prior to that she served as a prosecutor, a trial attorney, and a police professional. Judge Campbell received her Bachelor of Arts in Psychology and Sociology from Case Western Reserve University and her Juris Doctorate from Case Western Reserve University School of Law (cum laude). Judge Campbell has performed community service as a member of many boards and clubs, including the Children's Diagnostic Center Board of Directors Inc., the Fairfield Fair Housing Board, Butler County Mental Health Board (President 2004-2005), Association of Municipal/County Judges of Ohio (President-2009), former Co-Chair of the Ohio Judicial Conference Specialized Courts Committee, Ohio Black Judges Association, Ohio Supreme Court Commission on Specialized Dockets, Board of Trustees for the Ohio Judicial College, and the Supreme Court of Ohio Commission on the Rules of Superintendence. Currently, Judge Campbell is the past Chair of the Ohio Judicial Conference and serves on the Board of Trustees for NAMI of Ohio (President 2020-2023), NAMI National Board of Directors (President 2022-2023), and a former member of the Ohio Suicide Prevention Foundation. Judge Campbell is admitted to practice law in Ohio and Kentucky, the U.S. District Courts – Southern and Northern Districts of Ohio, and the U.S. Supreme Court.

**D. CHRIS COOK** was elected to the Lorain County Court of Common Pleas – General Division, on November 8, 2016, assumed the office on December 24, 2016, and was reelected to full, six-year terms on November 6, 2018, and November 4, 2024. On January 1, 2023, he was elected to serve as Presiding Judge of the Ten-Judge Lorain County Common Pleas Court. Judge Cook also oversees the felony non-support docket and runs a county-wide driver's license reinstatement program.

Prior to becoming a judge, Judge Cook's primary practice involved litigation, specifically in the area of Attorney Discipline, Consumer Sales Practices Act, and the defense of automobile dealerships. He has tried numerous civil and criminal cases to juries throughout the State of Ohio, in both state and federal courts, including multi-million dollar class action matters and death penalty cases. Judge Cook has been admitted pro hac vice in California, Illinois, and Maryland. He has prosecuted or defended approximately 100 appeals.

Judge Cook Chaired the Supreme Court of Ohio's Board of Professional Conduct in 2023 and 2024, and has been a member of the Board since 2018. He is a member of the Ohio Supreme Court's Judicial Curriculum Committee; and a member of the Ohio Supreme Court's Committee on Grievances Against Supreme Court Justices. He is a former member of the Board of Governors of the Ohio State Bar Association; past President of the Lorain County Bar Association; a former member of the Certified Ethics and Grievance Committee (2002-2012); former Chairman of the Lorain County Bar Association's New Lawyer's Admissions Committee; former Chairman of the Lorain County Bar Association's Unauthorized Practice of Law Committee; and former Supreme Court Certified Bar Counsel to the Lorain County Bar Association (2006 – 2016). Judge Cook also served as an Assistant Lorain County Prosecutor in both the civil and major felony division for five years; served as Magistrate for the Lorain Municipal Court (2005 – 2016); and Prosecuting Attorney for Sheffield Village, Ohio (2004 – 2016). Prior to taking the bench, Judge Cook was a member of the law firm Cook & Nicol, LLC, in Lorain, Ohio, and was named an Ohio "Super Lawyer" for 2017 by Thomson Reuters.

**KRISANNA DEPPEN**, M.D. is the Program Director for the Grant Medical Center Addiction Medicine Fellowship at OhioHealth and continues her clinical practice caring for pregnant

women with substance use disorders. Dr. Deppen has also worked with OhioHealth's Wellness on Wheels unit in community outreach. Previously she served as the Medical Director for Maryhaven Addiction Stabilization Center providing rapid access to care for patients who had experienced recent opioid overdose. Dr. Deppen is Board Certified in both Family Medicine and Addiction Medicine.

**JULIA L. DORRIAN** began her service on the Ohio Tenth District Court of Appeals in Columbus, Ohio on January 2, 2011. In 2021, Judge Dorrian served as the Presiding Judge of the Court, and in 2020, Judge Dorrian served as the Administrative Judge of the Court, developing and implementing COVID-19 related precautions and protocols for the Court. Judge Dorrian served seven years as a Municipal Court Judge from 2004 to 2011 in Franklin County, Ohio. Prior to serving on the bench, she was in private practice with the law firm Bricker & Eckler LLP. Prior to becoming a lawyer, Judge Dorrian worked on affordable housing issues at St. Stephens Community House in Columbus, Ohio; served as the Project Director for the translation of the Report of the Chilean National Commission on Truth and Reconciliation at the Center for Civil & Human Rights, Notre Dame Law School; served two years as a lay volunteer with the Holy Cross Associates in Santiago, Chile; and worked at International Business-Government Counsellors in Washington, D.C.

Judge Dorrian received her B.A. degree from the University of Notre Dame in 1987, her J.D. degree from The Ohio State University, Moritz College of Law, in 1996, and her M.A. in Public Policy and Management from The Ohio State University, John Glenn School of Public Affairs, in 1997. She also studied at L'Universite Catholique de l'Ouest in Angers, France, and at the Instituto de Estudios de America Latina in Cuernavaca, Mexico.

Judge Dorrian currently serves as a member of the Ohio Criminal Sentencing Commission. She previously served as a member of the Ohio Sentencing Data Platform Project Team, as well as the Supreme Court of Ohio Advisory Committee on Court Security. Judge Dorrian served two terms as a member of the Board of Trustees of the Ohio Judicial College, and has served as faculty and student as well. She served two terms on the Interpreter Services Advisory Committee of the Ohio Supreme Court and often teaches courses relating to use of interpreters in the courtroom. Judge Dorrian is a member of the American, Ohio State, and Columbus Bar Associations, the Ohio State Women's Bar Association, and the Women Lawyers of Franklin County. She also is a fellow with the Columbus and Ohio State Bar Foundations. Judge Dorrian participates in a variety of community service activities including having served as a Board Member of the Catholic Foundation of the Diocese of Columbus.

**RICHARD A. DOVE** is the Director of the Ohio Board of Professional Conduct and serves as the Board's chief legal and administrative officer. Prior to his appointment in 2011, Rick served for more than 22 years on the staff of the Supreme Court of Ohio, the last four as Assistant Administrative Director. He is an instructor for the Ohio Judicial College, Institute for Court Management (Visioning and Strategic Planning), and other professional associations and authored articles on judicial campaign conduct regulations that were published in the Loyola (L.A.) Law Review and The Judges' Journal. He received the 2007 Award of Merit from the Columbus Bar Association, the 2014 Founders Award from the Ohio Center for Law-Related Education, and the 2019 Distinguished Alumnus of the Year Award from Capital University Law School. Rick is a member of the Chief Justice Thomas J. Moyer Legacy Committee and is past president of the National Council of Lawyer Disciplinary Boards, Ohio Center for Law-Related Education, and Northside Children and Family Services (now Columbus Early Learning Centers). Rick is a graduate of Wittenberg University and Capital University Law School and is admitted to practice in Ohio and before the United States District Court for the Southern District of Ohio and the United States Supreme Court.

**JOHN M. (JACK) DURKIN** has been a General Division Judge in the Mahoning County Common Pleas Court since 1997. He graduated from the University of Dayton, receiving his B.A. in political science in 1980 and his J.D. in 1983.

Judge Durkin established the Mahoning County Felony Drug Court in 1997, and continues to preside over that specialized docket, along with his criminal and civil assignments. The Felony Drug Court was previously designated as a Mentor Court by the United States Department of Justice.

Judge Durkin received the Distinguished Alumni Award from the University of Dayton School of Law, he was named the Lawyer of the Year by the Mahoning County Bar Association in 1997, he received the Representative C.J. McLin Award from OJACC, The Hope Has a Home Award from the Neil Kennedy Recovery Clinic, The Excellence in Leadership Award from Meridian Services, and the Peace Award from the Mayors Task Force on Crime and Violence.

Judge Durkin was selected by Chief Justice O'Connor to serve as the State of Ohio's judicial representative for Project ECHO. He also served on the Regional Judicial Opioid Initiative State Leadership Team, and was the co-chair of the RJOI PDMP Committee.

Judge Durkin is a past chair of the Ohio Judicial Conference, a former officer and board member of the Ohio Judicial College, a past-president of the Mahoning County Bar Association, and past chair-person of their Certified Grievance Committee. He currently serves as a co-chair of the Judicial Ethics, Professionalism and Diversity Committee for the Ohio Judicial Conference.

Judge Durkin was previously appointed by Chief Justice Thomas Moyer to serve on the Task Force On the Code of Judicial Conduct, and was appointed by Chief Justice Maureen O'Connor to serve on the Task Force on the Funding of Ohio Courts.

Judge Durkin has previously lectured for the National Center For State Courts, The National Association of Drug Court Professionals (All Rise), SAMSHA, the Ohio Judicial College, the Ohio Judicial Conference, and the Ohio State and Mahoning County Bar Associations.

**CHRIS EPLEY** is from Dayton, Ohio and is the Presiding and Administrative Judge on the Second District Court of Appeals. He graduated from the University of Dayton School of Law and remains active in that community. He serves on the UD alumni association and taught Appellate Practice and Procedure as an adjunct professor from 2001 - 2022. His undergraduate degree is from Denison University where he was a double major in English Literature and Spanish and played four years of soccer earning all-conference honors. In 2021 he was recognized by his high school as a Distinguished Alumni Award recipient.

Judge Epley practiced law for 21 years prior to his election in November 2020. During those years he was a Magistrate, Prosecutor, school board member, city council member and private practice lawyer. He is member of the DBA Inn of Court, Lawyers Club of Dayton, Dayton Bar Association, Miami County Bar Association, Champaign County Bar Association, Greene County Bar Association, Darke County Bar Association, Ohio Bar Association and American Bar Association. He is a Life Fellow of the Dayton and Ohio Bar Associations and a Paul Harris Fellow of the Rotary club.

In addition to being licensed in the State of Ohio, he is licensed in the United States District Court for the Southern District of Ohio, the United States Court of Appeals for the Sixth Circuit, and the Supreme Court of the United States. Chris and his wife Eileen are the parents of Jack (21) and Lily (19).

**KRISTIN G. FARMER** has been a judge of the Stark County Court of Common Pleas since 2013. Judge Farmer began her legal career in 2001 as an intern and Assistant Prosecutor with the City of Alliance Law Director's Office. Thereafter, Judge Farmer served as a Magistrate and Staff Attorney for Judge Sara Lioi, from 2003 until Judge Lioi's appointment to the Federal Bench in 2007, and for Retired Judge Lee Sinclair, from 2007 until 2013. While serving as a Magistrate, Judge Farmer assisted in the preparation of material for publication in Presiding over a Capital Case-A Bench Book for Judges; and assisted in the preparation of seminars for the National Judicial College, Ohio Judicial College, and the Stark County Bar Association.

Since taking the Bench in 2013, Judge Farmer has been the Presiding Judge of the Stark County CHANCE Program (drug court) and was instrumental in getting the CHANCE Program certified by the Supreme Court of Ohio. During this time, the CHANCE Program was selected to as a pilot Court for the Supreme Court of Ohio's Specialized Docket Peer Review Program. Judge Farmer also serves as Chairperson of the Court's Security Committee, as the Judicial Liaison for the Court's Probation Department, and created an Intervention in Lieu of Conviction program for those suffering from mental health issues.

Judge Farmer is faculty member of the Supreme Court of Ohio Judicial College, presenting on various topics including Civil Procedure and Evidence, as well as serving as an instructor at New Judges Orientation for newly elected Common Pleas Court Judges. She has also presented at seminars for local attorneys on the impact of TCAP legislation, SB 201 ("Reagan Tokes Act"), and bail reform. Judge Farmer was a member of the ad hoc committee of the Ohio Criminal Sentencing Commission that developed a model uniform sentencing entry for use in felony courts across Ohio.

Judge Farmer is a native of Stark County, Ohio. She received her Bachelor of Science degree from Villanova University, and her JD from Case Western Reserve University School of Law.

**JAMES A. FIELDS** was appointed to the Bench by Governor John Kasich and began serving on April 30, 2015. He was elected to complete an unexpired term in 2016 and has since been re-elected to two six-year terms commencing in 2018 and 2024.

Judge Fields has been the Presiding/Administrative Judge since September of 2015. He presides over four specialty dockets: Drug Court; Mental Health Court; Patriot (Veterans') Court; and Special Abilities Court, the latter in cooperation with the Fairfield County Board of Developmental Disabilities.

Prior to his service on the Bench, Judge Fields was a partner at Fields and Innocenti (1997 - 2015), and an Associate at Price and Jones (1988-1997).

Judge Fields earned his BA in American Studies, (Political Science, History and Literature) from Earlham College and his Juris Doctorate from Capital University School of Law. He is admitted to the United States Supreme Court, the Supreme Court of Ohio, and the United States District Court for the Southern District of Ohio. He is a member of the Ohio State Bar Association and the Fairfield County Bar Association and served on the Board of Trustees of the Association of Municipal and County Judges of Ohio from 2018-2025.

**RANDALL FULLER** became the first judge of the unified Common Pleas Court of Delaware County, Ohio, Domestic Relations Division in 2017.

Judge Fuller currently serves as President of the Ohio Association of Domestic Relations Judges. He also serves on the Board of Trustees for the Supreme Court of Ohio Judicial College and on the Executive Committee of the Ohio Judicial Conference. He is a member of the Board of Directors for the Association of Family and Conciliation Courts (AFCC), an international family law organization, and is on the Board of Directors and a Past President of the Ohio Chapter of AFCC. Fuller serves on several Ohio Judicial Conference committees including Domestic Relations Law and Procedure, Court Technology and the Judicial Advisory Group.

Fuller frequently presents for the Ohio Judicial College to Judges and Magistrates. He also assists with training of new judges at New Judge Orientation and serves as a mentor to a new judge.

He has testified multiple times before the Ohio House of Representatives, Civil Justice Committee, and the Ohio Senate, Judiciary Committee, on behalf of the Ohio Judicial Conference and the Ohio Association of Domestic Relations Judges.

Judge Fuller has implemented several successful court programs including Settlement Week, Co Parent Coaching, Neutral Evaluations and Family Assessments.

**TODD L. GRACE** is in his ninth year as Athens County Municipal Court Judge. Prior to taking the bench, he served for 13 years as a Magistrate in Athens County Juvenile Court while maintaining a private law practice in Athens. During his time at Athens Municipal Court, Judge Grace has significantly expanded the Court's diversion programs and has moved the Court progressively towards digital files and digital court management processes. Judge Grace has served on task forces and workgroups for the Ohio Supreme Court and the Ohio Judicial Conference including the areas of Bail/Bond reform, Model Bond Schedule, New Judge Mentoring Program, Continuing Jury Operations, and Remote Hearings.

In March 2020, with the coronavirus pandemic, Judge Grace and Athens County Municipal Court set up the framework for resolving cases through video conferencing. The Court was able to accept changes of pleas, conduct preliminary hearings, and conduct motion hearings. On May 1st, the Court resumed its pre-trial docket, by Zoom. The practitioners quickly adjusted and more cases were being resolved throughout May and progress was demonstrated on many other cases throughout that time. With the lifting of the Governor's stay at home Order at the end of May, the Court transitioned to a hybrid system where many court participants are still appearing by Zoom, but those who need to appear in person, or just prefer to appear in person, are able to do so. Each of these transitions has required problem solving and flexibility, and Judge Grace is extremely thankful to have the staff and practitioners that have made it possible to transition (somewhat) smoothly through each of these changes.

Judge Grace and his wife, Sarah, have four children ranging from 11 to 23 years old. As you might expect, they do not feel like they can ever get enough done or get enough sleep.

**BRIAN F. HAGAN** was elected Judge of the Rocky River Municipal Court in November 2007, re-elected in November 2013 and November 2019 and has served as the court's Administrative/Presiding Judge in 2008, 2010, 2012, 2014, 2016, 2018, 2020, 2022 and currently 2024. Previously, Judge Hagan was in private practice for more than twenty-six years and served as Rocky River Municipal Court Acting Judge, Magistrate, and Referee. He was elected twice to the Rocky River City Council, where he held office from January 1, 2004, through December 31, 2007. He was Council President from August 2006 to the end of his term and was chairman of the Contract-Government and Judicial Committee. Judge Hagan served as Special Counsel for the Ohio Attorney General's Office for 12 years and was in the Judge Advocate General's (JAG) Corps in the Ohio Military Reserve.

Judge Hagan is a member and past President of the Northern Ohio Municipal Judges Association. In addition, he is a member of the Association of Municipal/County Judges of Ohio, elected to the AMCJO Board of Trustees in 2014. Judge Hagan currently serves as Treasurer of AMCJO, having served as Secretary in 2015 and 2019. Second Vice-President 2016 and 2020, First Vice-President 2017 and 2021 and President 2022. He also serves as a faculty member for the Supreme Court of Ohio Judicial College.

Judge Hagan was the recipient of the 2023 President's Award for Judicial Excellence from the AMCJO.

Judge Hagan was the former Co-Chair of the Cuyahoga County Behavioral Health and Criminal Justice Initiative (fka Cuyahoga County Mental Health Court Initiative), and is the Founding Member and current President of the West Shore Bar Association.

Judge Hagan earned his BS Accounting and Business Administration from St. Francis College (now University) in Pennsylvania and his JD from Cleveland Marshall College of Law at Cleveland State University.

**MICHAEL T. HALL** was a judge in the Second District Court of Appeals from 2011 until his retirement at the end of 2021. From 1999 to 2011 Judge Hall was a judge in the General Division of the Montgomery County Common Pleas Court. From 1997 to 1998 he served as a judge in the Montgomery County District Court, Area II.

Judge Hall received his B.S. degree from the University of Dayton in 1975. He received his J.D. degree, summa cum laude, from the University of Dayton School of Law in 1979 where he was an Associate Editor of the University of Dayton Law Review. He was admitted to the Ohio Bar and Federal Bar, Southern District of Ohio, in 1979 and to the Florida Bar in 1983. He has also attended the National Judicial College.

From 1979 until he assumed the Common Pleas bench, Judge Hall was in the private practice of law for 20 years, most recently as senior partner in the firm of Hall, Tucker, Fullenkamp & Singer. He is a member of the American, Ohio, Florida, and Dayton Bar Associations. He served as Treasurer of the Dayton Bar Association from 1988-1989. He is a former member of the Montgomery County Trial Lawyers Association where he served as President from 1994-1996. He is a member and past President (2003-2005) of the Carl D. Kessler Inn of Court. From 1970 to 1976, Judge Hall served as a City of Dayton Police officer.

Judge Hall has participated as a member of many Supreme Court and Judicial Conference committees, and until his retirement he was an appointed member of the Capital Case Attorney Fee Council created by R.C. 120.33(D).

Judge Hall was the first lawyer in his office to use a computer and has an interest in the use of technology. The record in his trial court was kept with an audio/video system the entire 11 years he was on that bench. As Administrative Judge of the Common Pleas Court, he was instrumental in the start of Ohio's first fully integrated e-filing system.

**THOMAS M. HANNA** is retired from Kettering Municipal Court where he began serving as Judge in 2000, after having served there as Acting Judge since 1992. Judge Hanna was also Acting Judge in Dayton Municipal Court for two years, from 1987 until 1989. Before and during his time as Acting Judge, he was in private practice from 1981 until 1999. Judge Hanna received his BSBA from the University of Dayton, his MBA from Capital University, and his JD from the University of Dayton School of Law.

**TARYN HEATH** has served on the Stark County Court of Common Pleas bench since 2007. Previously, she served as a private practitioner for 25 years, prosecutor for the City of Alliance, Ohio, Assistant Attorney General, and Magistrate for the Canton Municipal Court for 13 years. Judge Heath obtained a Bachelor of Arts in Public Administration from Miami University and her Juris Doctor from The University of Akron School of Law (2021 Alumni Association's Outstanding Alumni of the Year Recipient).

Judge Heath is a frequent lecturer on ethics, professionalism, and veteran issues for the Ohio Judicial College, the Ohio Common Pleas Judges' Association, the Ohio State Bar Association, and the Ohio Association of Magistrates. She is former President of the Ohio Common Pleas Judges Association and currently serves as Co-Chair of the Ohio Judicial Conference Innovative and Specialty Courts Committee. Judge Heath also serves on the Ohio Judicial College Planning Committee, the Common Pleas Curriculum Committee and the Judicial Ethics, Professionalism and Diversity Committee. She is a member of the Stark County Bar Association (Past President), Ohio State Bar Association, and is an Ohio State Bar Foundation Fellow.

Judge Heath was instrumental in establishing the Court's Foreclosure Mediation Program. She has championed efforts to get young people interested in the justice system, serving for over 30 years as a judge for the Ohio Center for Law-Related Education's High School Mock Trial Program, and instituting a Court Career Days Program at Lehman Middle School. Judge Heath established and chaired the committee for the Symposium on Community Violence 'Breaking Down Barriers' and was instrumental in reestablishing the Ohio Attorney General's Fugitive Safe Surrender Program in Stark County.

Judge Heath has chaired the Court's H.O.P.E. Program (a collaboration of community partners assisting offenders with mental illness) since 2007 and founded and presides over Honor Court (a veterans treatment court) since 2011. She serves as the Stark County Judicial Delegate for the 'Stepping Up Ohio Initiative', including the Sequential Intercept Mapping and Supportive Housing Technical Assistance Projects. Judge Heath has received: the 2013 Italian-American Festival Dedication Award; 2016 'Got your Six' award from Warriors Journey Home for service to local veterans; the 2017 Women's Impact Award; the 2020 Stark County Mental Health and Addiction Recovery Board's CIT (Crisis Intervention Team) 'Champion of the Year' award as well as the 2023 Warriors Journey Home Founder's Award.

**DAVID A. HEJMANOWSKI** has served as the Judge of the Probate/Juvenile Division of the Delaware County Court of Common Pleas since February of 2015 and was previously a Magistrate at that Court from January of 2003 to February of 2015 and Juvenile Court Administrator from 2004-15. Prior to this, he served as an assistant prosecuting attorney for Delaware County. He graduated as a Public Service Fellow from the Ohio State University Moritz College of Law in 1999 where he also received the Joseph M. Harter Memorial Award for Trial Advocacy. He received his B.S. in political science from Hiram College in 1996. Currently a member of the board of the Supreme Court's Judicial College, he is also a past chair of the Supreme Court's Advisory Committee on Language Services, a past chair of the Ohio State Bar Association Juvenile Justice Committee and current chair of the Ohio State Bar Association's Content Advisory Committee. From 2008 to 2011 he served a three year term on the Ohio State Bar Association Board of Governors. During 2023 he served as President of the Ohio State Bar Foundation and he is currently President of the Delaware County Bar Foundation. In 2020 he began a ten-year term as an officer of the Ohio Judicial Conference. He is a member of the Governor's Council on Juvenile Justice. From 2019-2022 he served on the Federal Advisory Committee on Juvenile Justice, which advises Congress and the White House on juvenile justice policy matters. He is a member of the Boards of the National Council of Juvenile and Family Court Judges and Chair of

the Advisory Committee of the National Center for Juvenile Justice. He is currently chairing the Supreme Court of Ohio's Task Force on Juvenile Diversion. He is a frequent presenter for the Ohio Judicial College and the Ohio State Bar Association. Locally, he has served as President of the Delaware County Historical Society and on the boards of the Central Ohio Symphony, the Strand Cultural Arts Society, the Andrews House and the Arena Fair Theater Company.

**KATE HUFFMAN** served for twenty-one years as a General Division Judge on the Montgomery County Common Pleas Court and was elected to the Second District Court of Appeals in 2022. During her trial court tenure she presided at various times over the Drug Court and the Women's R.I.S.E. court. Judge Huffman received her B.A. in political science from Wright State University and her J.D. from the University of Dayton School of Law, and an M.A. in Judicial Studies from the University of Nevada; she earned a Certificates in Judicial Development General Jurisdiction Trial Skills an Judicial Development Dispute Resolution Skills from the National Judicial College. Judge Huffman is a member the Innovative Specialized Docket Committee and the Criminal Law and Procedure Committees of the Ohio Judicial Conference. She recently served two terms on the Board of Trustees of the Ohio Judicial College. Judge Huffman completed two terms on the Commission for the Rules of Practice and Procedure of the Ohio Supreme Court, and served as Chair of that Commission from 2021-2022. She recently chaired the Ohio Supreme Court Task Force to Examine Ohio's Bail System. Judge Huffman teaches as an adjunct faculty member at the University of Dayton School of Law and on the faculty of the National Judicial College. She currently serves as the American Bar Association Judicial Fellow, providing peer-to-peer training on a variety of topics associated with impaired driving.

**FRANK JANIK** was elected as Judge of the Lorain County Domestic Relations Court in 2012 and reelected in 2018. Before taking the bench, he practiced criminal and civil law for twenty-three years with the law firms of John Nemeth and Associates in Columbus practicing insurance defense and civil litigation, with Kenneth Rothgery and Associates in Elyria practicing personal injury and malpractice law, as a sole practitioner in Amherst practicing criminal defense and personal injury

law, and as an assistant Lorain County Prosecutor prosecuting major felony crimes. Janik also served as Councilperson at Large in Amherst and taught law classes at the Lorain County Community College.

Judge Janik currently serves as President of the Ohio Association of Juvenile Court Judges. He has been appointed by the Chief Justice of the Supreme Court to serve on the Advisory Committee on Children and Families and currently serves on the Juvenile Justice Subcommittee, the Family Law Reform Subcommittee, the Juvenile Law and Procedure Committee, the Education Committee for the Ohio Judicial Conference, and the Executive Committee of the Ohio Judicial Conference. Janik has also been invited by the Supreme Court to assist in teaching newly elected or appointed judges at New Judges Orientation and has been a presenter at judicial seminars hosted by the Ohio Judicial Conference. He has presided over all three specialized courts in the Lorain County Juvenile Court including the Juvenile Drug Court, the Family Drug Court, and the Mental Health Court, and has served as Administrative Judge.

Judge Janik graduated magna cum laude from Kent State University obtaining a Bachelor of Arts Degree in English and Political Science, and graduated with honors from the Ohio State University Moritz College of Law.

**THOMAS A. JANUZZI** has been the judge of the Oberlin Municipal Court since 2002 and will be completing his fourth term on December 31, 2025. Judge Januzzi received his Bachelor of Science in Business Administration from Ashland College 1979 and his Juris Doctor from Cleveland Marshall College of Law at Cleveland State University 1982. Prior to taking the bench, he

practiced law from 1982-2001. He was a partner in the law firm of Trigilio, Stephenson & Januzzi in Lorain, Ohio and served as an acting judge in Oberlin Municipal Court from 1991-2001. He also served as a law clerk, volunteer mediator, arbitrator, and receiver in the Lorain County Common Pleas Court.

Judge Januzzi served as a trustee of the Association of Municipal and County Judges of Ohio, on several of the association's committees, and as the chair of the Rules of Superintendence and Rules of Practice Committee. He is also an active member of the Ohio Judicial Conference, where he serves on the Judicial Ethics and Professionalism, Criminal Law and Procedure, Legislative Committee and Court Administration Committees. Judge Januzzi has also served on The Supreme Court of Ohio Advisory Committee on Case Management, Time Guidelines Subcommittee. He is the past president of Lorain County Bar Association and served on the Advisory Committee for the Lorain County Court of Common Pleas Office of Dispute Resolution and on the Lorain County Bar Association Legal Ethics Committee.

Judge Januzzi is active in community outreach where he has presented at local high schools on Roles in the Justice System and Underage Drinking, has been a volunteer judge for Oberlin High School Street Law Mock Court program and Amherst High School Mock Trial program, and has been a participant in the Lorain County Bar Association Mock Court program. He also speaks to local civic and community groups. Judge Januzzi has prepared numerous Power Point presentations on a variety of topics which are on the Oberlin Municipal Court website. Judge Januzzi is also a frequent presenter for Lorain County Bar Association seminars including recently OVI seminars and Marsy's Law.

Judge Januzzi has been a teacher for Parish School of Religion for the past 10 years for St. Joseph Catholic Church in Amherst, Ohio for the 8th grade confirmation students and teacher of Parish School of Religion for Sacred Heart of Jesus Catholic Church in Oberlin for the past 7 years.

Judge Januzzi has written four articles for the OJC publication For the Record: Plea Bargaining – 1st Quarter 2011; Ex Parte Communications 1st Quarter 2013; The “Sleep-Driving” Defense submitted for publication in 1st Quarter 2014 and Calming the Municipal Court Accused 3rd Quarter 2018.

Tom and his wife, Margie, have been married for 43 years and have four daughters ages 41, 39, 37, and 35 and Fifteen (15) grandchildren [9 girls and 6 boys].

Tom is eligible to run for a 5<sup>th</sup> term next year but has decided to leave full time employment to spend more time with his good wife and family including the grandchildren and Tom's 95 year old mother who is in Assisted Living.

**JOY MALEK OLDFIELD** graduated from the University of Akron school of law after obtaining a Bachelors degree in Sociology from John Carroll University. Before entering public service, she was recognized throughout the State of Ohio as a Plaintiff's trial attorney. Judge Oldfield started her legal career with Scanlon & Gearinger Co., LPA, and then as a partner at Hill Hardman Oldfield, LLC, where she practiced in the area of complex civil litigation and appeals. A persuasive and effective trial lawyer, she represented clients in state and federal courts throughout Ohio, as well as before the Supreme Court of Ohio and the Supreme Court of the United States. The individuals whose causes she undertook suffered age, gender and race discrimination, sustained serious personal injury, and/or unfortunately lost loved ones due to professional or other negligence. The hallmark of Judge Oldfield's practice as a lawyer was her work ethic, sharp courtroom skills and compassion for humanity.

Drawn to helping people in a larger way, she left a successful career as a private attorney to serve as a Magistrate for Judge Elinore Marsh Stormer in the Summit County Common Pleas Court. As a Magistrate, Oldfield presided over bench and jury trials for civil cases.

In 2011, Judge Oldfield was elected to the Akron Municipal Court, serving until 2016. There, in addition to her duties as a trial court judge, the other judges elected her as the Administrative/Presiding Judge from 2014-2016. And, in keeping with the philosophy of treatment in lieu of incarceration, she revamped and presided over the Akron Municipal Drug Court from 2013-2016.

Judge Oldfield joined the General Division of the Summit County Common Pleas Court in November 2016, and her colleagues immediately selected her as Presiding Judge of the Turning Point Program (the Felony Drug Court).

The hallmark of Judge Oldfield's judicial service has been her tireless work to impact and educate individuals on the disease of addiction and the beauty of recovery. Through her years on the bench, Judge Oldfield spearheaded various initiatives to try and meet all needs – physical, mental, social, emotional, spiritual – for those suffering from the disease of addiction.

Her innovations in this field have been widely recognized. Judge Oldfield founded Faith in Recovery – designed to provide interested participants a spiritual connection along their recovery journey; and, Y-STRONG, designed to provide participants with access to area YMCA facilities for physical wellness. Also under her leadership, the Turning Point Program obtained Summit County's first specialized docket therapy dog, "Tank." With Tank's help, participants can relax, reduce their level of stress and feel more comfortable in the Court setting.

In addition, Judge Oldfield works to educate others – locally, state-wide and on the national level. Two national entities, Substance Abuse and Mental Health Services Administration (SAMHSA) and the Bureau of Justice Assistance (BJA) invited Judge Oldfield to present in a national expert panel to develop guidance for provicers. She also presented "Trauma in Specialty Court Settings" for SAMHSA's National Center for Trauma-Informed Care and Alternatives to Restraint and Seclusion and GAINS Center for Behavioral Health and Justice Transformation. The session was part of a five-part series and provided information on how treatment courts can provide a trauma-informed approach to support recovery. Since then, SAMHSA's GAINS Center continues to partner with Judge Oldfield as a leader and expert in the field of recovery.

In 2019, the University of Akron School of Law hired Judge Oldfield to teach Pretrial Advocacy to second and third year law students. Judge Oldfield continues to teach that course today, designed to instruct students on the skills, standards and ethics required for civil litigation. A Summit County resident, Judge Oldfield has three daughters.

**DENISE McCOLLEY** was judge of the Henry County Family Court from 2005 through 2022. Prior to her election, she served as magistrate of Henry County and Fulton County Common Pleas Courts for eight years and, prior to that, engaged in private practice for fifteen years. During her last seven years in private practice, she maintained a private mediation practice. During her career she has held many positions in law-related organizations. She is a former president of the Association of Family and Conciliation Courts, the Henry County Bar Association, and the Ohio Association of Domestic Relations Judges. She was also a member of the Ohio Task Force for Family Law and Children, the Ohio Lawyers' Assistance Program Judicial Advisory Group, the Ohio Judicial College Board of Trustees, the American Bar Association Pro Bono Child Custody Project Advisory Committee, the Ohio Association of Juvenile Court Judges Board and the Ohio

State Bar Association's Board of Governors and House of Delegates. She presently serves as a member of the Ohio Judicial Conference's Juvenile Law and Procedure and Domestic Relations Law and Procedure Committees and is an immediate past co-chair of the Supreme Court's Advisory Committee on Children and Families. She is an advanced Practitioner member of the Association for Conflict Resolution Academy of Family Mediators. She received the Association of Family and Conciliation Courts John E. VanDuzer Distinguished Service Award (2008) and President's Award (1999), the Ohio State Bar Foundation Public or Government Service Award (2001), the Ohio Association of Magistrates Judicial Award (2008), the Northwest State Community College Foundation Making a Difference Award (2017), the Ohio State University Alumni Association Pay it Forward Award (2017), and was named to the Napoleon Schools Distinguished Alumni Hall of Fame (2017). Judge McColley received her B.S. and M.Ed. from Bowling Green State University and her J.D. from The Ohio State University.

**STEPHEN McINTOSH** is a 1983 graduate of the Ohio State University Moritz College of Law. While attending the College of Law, he was President of the Black Law Students Association (BLSA) He received the Judge Joseph Harter Trial Advocacy Award upon graduation. His team won best brief at the Frederick Douglas Moot Court Regional Competition.

In 1984 Judge McIntosh began employment with the Columbus City Attorney's Office as an assistant city prosecutor. In 1986, he was appointed Deputy Director of the UCC Div. for Secretary of State Sherrod Brown. In January of 1990, he was hired as an associate with Crabbe, Brown, Jones, Potts and Schmidt, (now Amundsen Davis LLC). Columbus City Attorney Janet E. Jackson appointed Judge McIntosh Chief Prosecutor for her Prosecutor's Division February of 1997, a position he held until January of 2007 when he assumed the bench.

Judge McIntosh serves as the Presiding Judge of the Common Pleas Court and previously served as the Administrative Judge of the Court of Common Pleas General Division. He serves as judge of the court's recovery court docket, TIES. (Treatment is Essential to Success).

Judge McIntosh is a past president of the Columbus Bar Association. He is a member of the John Mercer Langston Bar Association. He is also a member of the Ohio State Bar Association where he served on the Board of Governors and currently serves on the Council of Delegates. He currently serves on the House of Delegates for the American Bar Association.

Judge McIntosh currently serves as chair of the Supreme Court of Ohio Judicial College Board of Trustees. He serves on the OLAP Board where he is a past chair. He previously served as chair of the Supreme Court Task Force to Examine Improvements to the Ohio Grand Jury System and co-chair of the Joint Task Force to Study the Administration of Ohio's Death Penalty. He previously chaired the CLE Commission. He served on the Supreme Court Advisory Committee on Dispute Resolution and the Supreme Court Advisory Committee on Interpreter Services. He currently serves on the Ohio Sentencing Commission.

He has been recognized by Columbus Monthly Magazine and Who's Who Among African Americans in Central Ohio. In 2023 he was recognized by the OSBA with the Chief Justice Thomas Moyer Award for Judicial Excellence. He received the John Mercer Langston Bar Association Legacy Award and received the David L. White Award from Capital University.

**SHERRIE MIDAY** is a judge in the Court of Common Pleas in Cuyahoga County. As a Common Pleas judge, she is responsible for both felony criminal cases and general civil cases. She was first elected on November 8, 2016.

Judge Miday received her undergraduate degree from John Carroll University in 1998 and her J.D. from the Case Western Reserve University School of Law in 2001. Prior to taking the bench, Judge Miday practiced law with the firm of Manley Deas Kochalski, LLC, specializing in foreclosure litigation and creditor's rights law. She previously served as a staff attorney to the Honorable Ann Mannen and as a dedicated domestic violence assistant prosecutor for the City of Cleveland.

In 2020, Judge Miday was appointed to preside of the Cuyahoga County High-Risk Domestic Violence Court. The High-Risk Domestic Violence Court is a specialty docket of the Common Pleas Court, with a mission to reduce the risk of violence and homicide in high-risk cases of intimate-partner violence. Judge Miday leads a specially trained, multi-disciplinary team of justice system professionals who work collaboratively to improve victim safety by providing resources for victims and intense monitoring and behavioral interventions for offenders.

Judge Miday serves as the Chairperson of the Cuyahoga County Domestic Violence Taskforce and is the co-editor of the Baldwin's Ohio Handbook Series: Ohio Domestic Violence Law 2018-2019, 2019-2020, 2020-2021 and 2021-2022 Editions.

**MARK MILLER** was elected to the Third District Court of Appeals in 2020 to fill the vacancy created by the retirement of Judge Vernon Preston. With his election to the Court, Judge Miller's legal career has come full circle. His first job after graduating from Ohio Northern University School of Law in 1991 was as a judicial law clerk with the Court.

In 2016, Judge Miller was appointed by Governor Kasich to serve as a judge on the Findlay Municipal Court. He was elected the following year to serve a full term on the municipal court. During his tenure as a municipal court judge, several new programs were instituted to reduce recidivism and address ongoing substance abuse by offenders.

Prior to assuming a position on the bench, Judge Miller worked 22 years in the Hancock County Prosecutor's Office handling a variety of criminal and civil matters. He first worked as an assistant county prosecutor, where he was primarily responsible for prosecuting felony crimes and appellate matters. Then, he served for 10 years as the Hancock County Prosecutor.

Judge Miller is a past recipient of the Ohio State Bar Foundation Community Service Award for Lawyers 40 and Under. In 2013, he was recognized with the Distinguished Leadership Award from the Hancock Leadership Alumni Association. As prosecutor, he was appointed by the governor to serve on the Ohio Organized Crime Investigation Commission. Locally, he co-chairs the Community Awareness Committee of the Hancock County Coalition on Addictions, a past president of the Black Swamp Area-Boy Scout Council and is involved in many community organizations.

The judge takes great pride in his community and believes northwest Ohio is a great place to live, work and raise a family. Judge Miller and his wife, Krista, have been married since 1995. They live in Findlay and have three grown children and two grandchildren.

**DONALD E. ODA II** graduated from Ohio State University in 1991 with a degree in journalism. Upon graduation from Chase College of Law in 1995, he was admitted to the bar and maintained a general law practice in Warren County. Judge Oda was elected to the County Court in 2004 and was elected to the Common Pleas Court in 2012. His wife, Linda Oda, is the County Recorder. They live in Clearcreek Township with their two children.

Judge Oda is a member of Springboro Baptist Church and serves on the Board of Directors for Safe Haven Farms, a community for adults with Autism in Southwest Ohio.

**MATTHEW P. PUSKARICH** has been the Harrison County Probate/Juvenile Judge since February 2003. Prior to taking the bench, he was the Harrison County Prosecuting Attorney for six years and a former Jefferson County Assistant Prosecuting Attorney.

Judge Puskarich serves on the Supreme Court's Advisory Committee on Children, Families and the Courts and currently chairs one subcommittee. For the Ohio Judicial Conference, he serves on the Committee for Judicial Ethics and Professionalism, the Juvenile Law and Procedure Committee, the Public Confidence and Community Outreach Committee and teaches at New Judges Training for Juvenile and Probate Judges. He is also a Past President of the Ohio Association of Juvenile Court Judges.

Judge Puskarich is an Otterbein University graduate (1988) and received his law degree (1991) from the Wake Forest University School of Law. He is happily married and the father of two sons. His wife, Kris, is a member and past chairperson of the Supreme Court's Judicial Family Network.

**MATTHEW REGER** is a Wood County Common Pleas judge in Bowling Green Ohio. He has been on the bench since 2017. Prior to that he was the Bowling Green municipal prosecutor for 20 years. He graduated from Michigan State University in 1990 and the University of Toledo College of Law in 1993. He began his career as a staff attorney for Judge Charles Kurfess in 1993, serving until 1996.

In 2006 he took a year away from the Bowling Green prosecutor's office to live and work in the former Soviet Republic of Georgia. Serving with the American Bar Association's Rule of Law Initiative, Judge Reger trained Georgian attorneys and prosecutors in the adversarial system. He also worked with the US Embassy and the Georgian Parliament in the creation of a criminal procedure code that protected basic rights.

Following his return to the United States, in addition to his duties as Bowling Green Prosecutor, he also founded a nonprofit that provided free legal services through his church. Since 2008 he has served as an adjunct professor with Bowling Green State University, teaching several different law related classes.

Judge Reger lives with his wife Heidi and his two children, Elizabeth and Noah, in Bowling Green.

**NICK A. SELVAGGIO** is serving his third term as the elected Judge of the Champaign County Common Pleas Court, General Division, initially taking office in January 2013.

Judge Selvaggio is the President-Elect of the Ohio Common Pleas Judges Association, is a member of the Ohio Jury Instruction Committee and is actively involved in the Criminal Law and Practice Committee and the Court Administration Committee for the Ohio Judicial Conference. Judge Selvaggio served as Vice Chairman of the Ohio Sentencing Commission from 2015 – 2025 and on the Ohio Supreme Court's Task Force on Conviction Integrity and Postconviction Review. In September 2015, the Ohio State Bar Association's Judicial Administration and Legal Reform Committee awarded Judge Selvaggio's Court with the "Innovative Court Programs and Practices Award" for its success in Managing Jail Population and Overages.

From 1997 – 2012, Judge Selvaggio served four terms as the elected Champaign County Prosecutor. Judge Selvaggio received special recognition for his work as a prosecutor, including the Assistant Prosecutor Outstanding Achievement Award (1994), Ohio Prosecuting Attorney of the Year (2003) and the Leadership Award (2009) from the Ohio Prosecuting Attorneys Association. He also received a Certificate of Recognition from the Supreme Court of Ohio and the Champion of Justice Award from the Ohio Association of Criminal Defense Lawyers (2010) for his work in the development of New Criminal Rule 16, which governs how prosecutors and defense lawyers exchange information about their criminal cases.

Judge Selvaggio graduated from Miami University in 1988 with a B.A. in public administration and received his law degree from Cleveland-Marshall College of Law in 1991.

**MICHELLE SHEEHAN** was elected to the Ohio Eighth District Court of Appeals on November 6, 2018.

Prior to being elected to the court of appeals, Judge Sheehan was a shareholder at a large litigation firm. She litigated cases in both state and federal courts on behalf of both plaintiffs and defendants for over 25 years. While in private practice, she was certified as an appellate specialist by the Ohio State Bar Association. She has represented clients in appellate matters before the Ohio Supreme Court, the Sixth Circuit Court of Appeals, and almost every appellate district in the state of Ohio.

Judge Sheehan has served in various leadership roles within the community. She is a former President of the Ohio Women's Bar Association and has held various leadership roles in local organizations including the CMBA, YWCA, Cleveland State University College of Law, and Rocky River Civil Service Commission, amongst others.

Judge Sheehan received her bachelor's degree from Miami University, Oxford, Ohio, and her Juris Doctor degree from Cleveland State University College of Law, where she met her husband, the Honorable Brendan J. Sheehan. She is also a member of the Florida Bar.

**REBEKAH SMITH** is the Director and a Member of GBQ Consulting focusing on the areas of litigation consulting, forensic accounting, economic damages, and business valuations. She has been involved in forensic accounting cases related to misappropriation of assets, tracing of marital assets, and tracing of business assets and funds. Her experience includes an investigation of a public company's accounting practices for the Securities and Exchange Commission and the Department of Justice. She was also the court appointed expert in a forensic accounting project involving 10 years of business and accounting records and approximately 20 related business entities.

Not only has she investigated several embezzlement and fraud cases for government entities, but she has also testified in a criminal proceeding related to embezzlement, bank fraud and wire fraud. She is a lecturer and instructor on business economic damages, forensics, and business valuation. She is the lead instructor for the Master Analyst in Financial Forensics (MAFF) training presented by National Association of Certified Valuators and Analysts (NACVA). She also developed and instructs for NACVA's Advanced Business and Intellectual Property Damages week-long course. Rebekah is the past chair and current Member of NACVA's Executive Advisory Board which is the oversight board for all of NACVA. She is also a past chair and member of the Litigation Forensics Board which has the responsibility for evaluation the content of NACVA's

litigation and forensics-related curriculum and to oversee credentialing criteria for the MAFF designation. She was also on the Editorial Board of the National Litigation Consultants Review, a national litigation publication. Rebekah received her bachelors in Accounting at Bowling Green State University. She also has professional accreditation as Certified Public Accountant, Certified in Financial Forensics, Master Analyst in Financial Forensics, Certified Valuation Analyst, and Certificate of Education Achievement in Business Valuation.

**TERRI STUPICA** has presided over the Chardon Municipal Court since January 2012. She earned her undergraduate degree at John Carroll University in 1984 and her J.D. from Cleveland-Marshall College of Law in 1987, after attending Loyola Marymount Law School in her second year as a non-matriculating student. She is a member of the Ohio Bar Association and Geauga County Bar Association, serving as president last year. She is past Chair of the Supreme Court of Ohio Commission on Continuing Legal Education and is a member of the Supreme Court Case Management Advisory Committee, Ohio Judicial Conference Traffic Law and Judicial Ethics, Professionalism and Diversion Committees. She has served as a Supreme Court Mentor to New Lawyers from 2011 through 2014. She is a founding member of the Geauga County Opiate Task Force and a member of the U.S. District Attorney's Heroin and Opioid Action Plan Committee. Judge Stupica is active speaking at numerous forums throughout Ohio, including Judicial Conference Courses, Ohio Women's Bar Foundation Leadership Institute, Lake Erie College, Lakeland Community College, American Legion Post 459, Rotary and Kiwanis clubs, D.A.R.E graduations at elementary schools and at high school health classes, regarding substance abuse and leadership. Finally, she has judged Notre Dame Cathedral Latin's mock trials since 2012.

**DAN TREVAS** is a former journalist turned lawyer with extensive public relations experience in the public and private sector. Presently a Judicial Systems Writer at the Ohio Supreme Court, he is also the chair of the Ohio State Bar Association's Media Law Committee, a contributor to the bar association's "Law You Can Use" series, and has presented continuing legal education webcasts on the Ohio Public Records Act, and Best Practices in Mediation. He has been teaching Communications Law online for Ohio University and Business Law for Franklin University.

Trevas's legal interest stems from his dozen-plus years as an Ohio Statehouse reporter, which he left for positions in public relations and public policy as he pursued his law degree.

While serving in Corporate Communications at Nationwide Insurance, he joined Nationwide's pro bono mediation program and conducted mediations for the Franklin County Municipal Court and the Columbus City Prosecutor's Office.

A native of Athens, Ohio, he has both a bachelor's and master's degree in Journalism from Ohio University. He graduated from Capital University Law School in 2006.

**CYNTHIA WESTCOTT RICE** was elected to the Trumbull County Court of Common Pleas in November 2022. On December 12, 2022, she was sworn in for the remainder of the term of Retired Judge Peter Kontos.

Judge Rice was elected to the Eleventh District Court of Appeals in November 2002. The court reviews decisions of the trial courts in Ashtabula, Geauga, Lake, Portage, and Trumbull Counties. Judge Rice has also been appointed to serve as a visiting judge on the Supreme Court of Ohio. She was elected Chief Judge of the Ohio Courts of Appeals' Association for 2021.

Judge Rice has been on the Ohio Judicial Conference Executive Committee from 2011 to the present. She has served as the co-chair of the Criminal Law and Procedure Committee since 2011.

Judge Rice was employed as an Assistant Trumbull County Prosecutor from 1991 to 1999. First, she served as Chief Counsel for the Drug Prosecution Unit. Eventually, Judge Rice was appointed First Assistant Prosecutor in the Criminal Division of the Trumbull County Prosecutor's Office.

While serving as First Assistant Prosecutor, Judge Rice was appointed Chief Counsel for the Mahoning Valley Law Enforcement Task Force, Vertical Prosecution Unit. She was responsible for setting up this unit, which was designed to provide multi-jurisdictional prosecution of major drug law violations and in-house counsel for the task force. She coordinated efforts among the Mahoning and Trumbull County Prosecutor's Offices and the United States Attorney's Office. She was appointed Special Assistant United States Attorney from 1997 to 1999.

From 1999 to 2002, Judge Rice was an Assistant United States Attorney in the United States Attorney's Office, Department of Justice, in Youngstown, Ohio. As a member of the General Crimes Division, she prosecuted major felonies, including firearm and drug law violations, bank robberies, cyberstalking and interstate stalking cases.

Judge Rice is a member of the Ohio State Bar Association and the Trumbull County Bar Association, in which she served as its president from 1996 to 1997. She was a member of its Executive Committee for four years and a member of its Grievance Committee for three years. Judge Rice received her B.S. degree from Purdue University Krannert School of Management and her J.D. degree from the University of Akron School of Law. She has been admitted to the Michigan Bar and to the Ohio Bar.

**WILLIAM R. ZIMMERMAN** has been a judge on the Third District Court of Appeals since 2017. Prior to that, he was the Shelby County Juvenile judge for 8 years and he served as the Shelby County public defender for more than 25 years. Judge Zimmerman also served as lead counsel in six death penalty cases. Judge Zimmerman received his undergraduate degree (1975) and law degree (1979) from Ohio Northern University.

**GENE A. ZMUDA** was elected to the Sixth District Court of Appeals in November 2018. He previously served as Administrative and Presiding Judge for the Sixth District. Prior to serving on the appellate court, Judge Zmuda served as a judge of the Lucas County Court of Common Pleas, General Trial Division, in Toledo, Ohio, beginning in 2006. He served as Administrative Judge in 2012 and 2017-2018 and as Presiding Judge in 2013. In December 2008, the Ohio Supreme Court appointed Judge Zmuda to serve as one of two Commercial Docket judges for Lucas County, and he continued to serve in that position until 2018. Prior to his service on the common pleas bench, Judge Zmuda served as judge for the Toledo Municipal Court from 2003 to 2006, and in private practice for 19 years up until his service on the bench. Judge Zmuda is a member of the Ohio State Bar Association; the Ohio Judicial Conference, Executive Committee and co-chair, Civil Law Committee; Trustee of the Ohio Judicial College; and presently serve as chair of the governance board for the Ohio State Data Project; chair of the Task Force on Conviction Integrity and Postconviction Review; and co-chair of the Interbranch Affairs Committee for the Council of State Governments and member of its leadership council. Judge Zmuda is as an adjunct professor at the University of Toledo College of Law and Undergraduate Honors College, and has served as President of the University of Toledo Honors College Alumni Affiliate. He received his BA from the University of Toledo, and his JD from University of Toledo College of Law.

# Judicial Ethics

**Hon. Taryn L. Heath**

*Stark County Common Pleas Court*

**Richard A. Dove, Esq.**

*Director, Board of Professional Conduct*

**D. Allan Asbury, Esq.**

*Senior Counsel, Board of Professional Conduct*



**HYPOTHETICALS**  
**NEW JUDGE ORIENTATION, PART II**

1. What is Judge Roberts' appropriate response to the following:
  - a. Attorney Adams is often late for court sessions, either delaying the docket or requiring cases to be rescheduled.
  - b. Attorney Becker is generally on-time but sometimes shows up for afternoon hearings appearing disheveled. Judge Roberts' bailiff has told the judge that she often smells alcohol on Becker's breath.
  - c. Attorney Charles is unhappy that Judge Roberts' has not approved his applications for fees. Charles calls the judge's office and says to the judge's secretary, "You tell that lying, cheating \$%^&\* to approve my fee application today!" Charles later apologized to the judge in person and in writing.
  - d. Attorney Davis has purchased tickets to attend two of Judge Roberts' campaign fundraising events. In reviewing his campaign finance statements prior to filing with the board of elections, Judge Roberts notes that Davis' contributions are reported as coming from "A.C. Davis, LPA (IOLTA)."
  - e. Soon after being elected administrative judge, Judge Roberts received several anonymous complaints that Judge Eager has been harassing female employees and making inappropriate comments to women who appear before him. Judge Roberts directs the court administrator to look into these allegations, and the court administrator reports that there is reason to believe the allegations have merit.

2. Please address the judge's conduct set forth in these scenarios:
- a. Attorney Andrews sees Judge Berger at a local bar meeting and advises her that he will soon be filing a request for a temporary restraining order and injunction on behalf of a client. Andrews begins the conversation by discussing his availability for a hearing this week but then strays into a discussion of the merits of the case.
  - b. Judge Berger is presiding over a bench trial in a complex medical malpractice action. In preparing for the case, she spent time reviewing articles and other materials on the Internet to familiarize herself with the medical procedures and terminology referenced in the parties' briefs and motions. As the case proceeds through trial, she has spent time doing on-line research about similar claims in other jurisdictions and the reputation of the defendant physicians and hospital. She also has entered the plaintiff's name into search engines to learn more about his background.
  - c. While presiding over a child custody proceeding, Judge Berger receives an email sent to her court account from a longtime friend who happens to be the neighbor of the child's father. The email includes a video attachment and the message "Check this out!" The video is a montage of the father's prodigious drinking exploits at various local establishments. Before realizing the content of the video, Judge Berger views it.
  - d. May Judge Berger communicate *ex parte* with court staff or appointees, such as probation department staff, custody evaluators, or guardians *ad litem* regarding pending or impending matters?

3. Judge Taylor was appointed after a long and varied career as a trial lawyer. Because of the nature of her practice, she seemingly encounters potential conflicts at every turn. How should Judge Taylor address these potential conflicts and why?
- a. Several years ago, Judge Taylor successfully prosecuted Ernest for felony offenses. Ernest was released from prison, and is now a party in a post-decree custody matter referred to the judge. The custody matter arises from a divorce action that was on-going at the time of Ernest's criminal case. Ernest's lawyer has asked Judge Taylor to recuse herself, citing her prior prosecution of Ernest. Should Judge Taylor recuse?
  - b. Judge Taylor left the prosecutor's office and joined a law firm where she was working when she was elected. As a partner in the firm, she represented the firm's clients in several civil matters and later chaired the firm's litigation section. She now has two cases on her docket involving clients of her former firm. The Fife case was pending at the time she was with the law firm and, although she was not counsel of record in the matter, she participated in discussions with other lawyers at the firm about the case. Should Judge Taylor recuse from the Fife case?
  - c. The Pyle case is a new matter that was filed while she was a partner with the firm; however, she took no part in the case before leaving the firm. Should she recuse from the Pyle case?
  - d. Judge Taylor's sister is a partner in a local law firm. Although she does not preside over cases in which her sister is counsel, may she hear cases in which other lawyers from the firm are appearing?
    - A. Yes. Although a judge is disqualified from cases involving a family member, mandatory disqualification does not extend to other lawyers who practice with that family member.
    - B. No. A judge is disqualified from cases involving family members and any other lawyers who practice with that family member.
    - C. It depends. The judge should inquire in each of the firm's cases to determine whether her sister had any involvement in the case or whether the sister's partnership interest could be substantially affected by the case.
  - e. When Judge Taylor ran for election last year, Attorney Sprague served as her campaign chair and hosted several "Taylor for Judge" fundraising events at his law firm and home. Sprague is now counsel in a case on Judge Taylor's docket.

Is Judge Taylor required to recuse herself from the case? Is the answer any different if Judge Taylor is currently a candidate for reelection and Sprague's role in the reelection campaign is the same?

4. Court of Appeals Judge Mitchell decides to use an Artificial Intelligence (“AI”) program called *OpinionWriter* to assist in drafting an opinion that she has been assigned. After entering her notes and initial legal conclusions, the AI tool produces an opinion draft that is well-organized and cites legal authority. However, she notices that the draft relies on reasoning based on case precedent that she believes is both outdated and inconsistent with recent case law. Judge Mitchell considers adopting the draft with only superficial edits, even though she disagrees with some of the underlying reasoning.
  - a. Which of the following is the most appropriate course of conduct for Judge Mitchell?
    - A. She may adopt the AI-generated draft in full, as long as it cites binding precedent and she discloses in the opinion that an AI tool was used to assist in the drafting process.
    - B. She must thoroughly review, evaluate, and revise the AI-generated draft to ensure that the reasoning, citations, and conclusions reflect her own independent judicial judgment.
    - C. She should refrain from using AI in drafting future opinions, as reliance on such tools may create an appearance of impropriety or suggest improper delegation of judicial duties.
    - D. She may rely to some degree on the AI-generated draft but should include a disclaimer noting that some portions of the opinion’s reasoning and analysis were provided by artificial intelligence.
  - b. After using *OpinionWriter* in several criminal cases, Judge Mitchell notices that its drafts frequently favor the prosecution’s perspective. She suspects the AI tool may be relying on sources that are biased toward the prosecution but continues using it because the drafts are well written and save time. What ethical responsibilities does Judge Mitchell have when she becomes aware that a technological tool she uses may produce biased results?
  - c. To maximize her use of *OpinionWriter*, Judge Mitchell uploads internal bench memos, drafts opinions from her law clerks, the underlying trial transcript, and panel conference notes into the AI tool. The tool is cloud-based, and her court has not adopted a formal policy governing its use. What ethical concerns are raised when a judge uploads internal court materials and related content into a cloud-based AI tool?





**JUDICIAL  
DISQUALIFICATION**  
New Judge Orientation II (2025)



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**DISQUALIFICATION –  
RULE 2.11(A)**

- “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might be reasonably questioned.”
- Obligation applies whether or not a motion to disqualify is filed.



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**WHEN REQUIRED**

- Personal bias or prejudice (cannot be waived)
- Personal knowledge of disputed facts.
- Judge’s spouse, domestic partner, or person in the 3<sup>rd</sup> degree of relationship is:
  - Party or lawyer in a case
  - Has more than a *de minimis* interest that could be affected
  - Likely to be a material witness



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**WHEN REQUIRED**

- Judge or family member in household has a fiduciary or economic interest in the proceeding or a party to a proceeding.
- Statements made as a judge or candidate that commit or appear to commit.
- Judge’s spouse, domestic partner, or family member acted as a judge in the case.



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**WHEN REQUIRED**

- Judge previously:
  - Acted as a lawyer in the case
  - Associated with a lawyer who participated substantially during the association
  - Was a witness
  - Presided as a judge over the matter in another court



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**REMITTAL—RULE 2.11(C)**

- AKA: Waiver of disqualification
- Applies to any factor except personal bias or prejudice
- “Three-D” process:
  - Disclose
  - Discuss
  - Document
- Waiver is available, but is it a good idea?



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## JUDICIAL DISQUALIFICATION IN DEPTH



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### APPEARANCE OF IMPROPRIETY

“The proper test for determining whether a judge's participation in a case presents an appearance of impropriety is \* \* \* an objective one. A judge should step aside or be removed if a reasonable and objective observer would harbor serious doubts about the judge's impartiality.”

*In re Disqualification of Lewis* (2004).



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### BIAS OR PREJUDICE

The term “bias or prejudice” “implies a [hostile feeling or spirit of ill-will](#) or [undue friendship or favoritism](#) toward one of the litigants or his attorney, with the [formation of a fixed anticipatory judgment](#) on the part of the judge, as contradistinguished from an open state of mind which will be governed by the law and the facts.”

*State ex rel. Pratt v. Weygandt* (1956).



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**BIAS OR PREJUDICE – WHOSE  
POINT OF VIEW?**

“No basis for removing – Judge Carr indicated that she feels no bias – and expressed her intention to handle the case in a fair and impartial way.”

*In re Disqualification of Carr (2004).*



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**BIAS OR PREJUDICE – WHOSE  
POINT OF VIEW?**

“Although a trial judge’s subjective belief as to his or her own impartiality is not the decisive factor in deciding a disqualification request, ‘the judge’s own assessment is certainly entitled to some weight.’”

*In re Disqualification of Lewis (2004).*



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**PRESUMPTIONS**

➤ “A judge is presumed to follow the law and not to be biased, and the appearance of bias or prejudice must be compelling to overcome these presumptions.”

*In re Disqualification of George, 2003-Ohio-5489.*

- Requires some evidence or objective indication of bias.
- Affiant bears the burden of proof.



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## BOARD STAFF ANALYSIS

- What is the situation?
- Is there any requirement to disqualify?
- Is there a reasonable question regarding impartiality?
- Can you be fair and impartial?
- Is disclosure or waiver required or recommended?
- Be selective in recusal.



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## SIGNIFICANT HOLDINGS

- **Adverse Rulings:** "A judge's adverse rulings, even erroneous ones, are not evidence of bias or prejudice." *In re Disqualification of Fuerst*, 2012-Ohio-6344.
- **Public Confidence:** "When the case becomes about the judge rather than the facts of the case and the law, it is time for the judge to step aside." *In re Disqualification of Saffold*, 2010-Ohio-6723.
- **Lengthy Proceedings:** It is well settled that "absent extraordinary circumstances, a judge will not be subject to disqualification after having presided over lengthy proceedings in a pending case." *In re Disqualification of Celebrezze*, 2001-Ohio-4095.



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## SIGNIFICANT HOLDINGS

- **Filing a Grievance:** It is well settled that a judge's cooperation in an investigation of the ethical misconduct of an attorney appearing before him does not automatically lead to the judge's disqualification. *In re Disqualification of Maloney*, 1999-Ohio-10.
- **Friendship:** "[T]he mere existence of a friendship between a judge and an attorney \* \* \* will not disqualify the judge from cases involving that attorney." *In re Disqualification of Bressler*, 1997-Ohio-27.
- **Ex Parte Communications:** "An alleged ex parte communication constitutes grounds for disqualification when there is 'proof that the communication \* \* \* addressed substantive matters in the pending case.'" *In re Disqualification of Forsthoefel*, 2013-Ohio-2292.



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### SIGNIFICANT HOLDINGS

> **Political Relationship:** County trial judges were disqualified from a case involving a county commissioner who wielded considerable influence over the court's funding and who played a leadership role in local politics. *In re Disqualification of Corrigan*, 2005-Ohio-7153.

> **Campaigns:** “[W]hen a judge’s campaign is still active, any political relationship between the judge and a lawyer who is appearing before the judge certainly deserves close scrutiny.” *In re Disqualification of Saffold*, 2006-Ohio-7225.

> **Conflicting Stories:** “[I]n the wake of the conflicting stories presented here, I cannot conclude that the judge should be removed \* \* \*.” *In re Disqualification of Synenberg*, 2009-Ohio-7206.



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### SIGNIFICANT HOLDINGS

> **Prior Knowledge:** Knowledge gained by a judge in a prior judicial proceeding—i.e., in the judge’s official judicial capacity—is generally not a sufficient ground to remove a judge in a subsequent case. *In re Disqualification of Basinger*, 2013-Ohio-1613

> **Former Disagreements:** “Judges are presumed to be capable of putting aside old disagreements with former opposing counsel.” *In re Disqualification of Burge*, 2013-Ohio-2726.

> **Facebook Friends:** “Standing alone, a judge’s Facebook ‘friendship’ with a lawyer, litigant, or other person appearing before the judge does not automatically require the judge’s disqualification.” *In re Kerenyi*, 2020-Ohio-1082



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### RECENT CASES OF NOTE

- > *Leuthold*, 2023-Ohio-4775 – personal and professional connections to key witness.
- > *Kuhn*, 2023-Ohio-4882 – gave law enforcement charging advice while a prosecutor.
- > *Gallagher*, 2024-Ohio-6136 – judge commented on record that counsel had asserted “blatant lies” in appellate brief.
- > *Leuthold*, 2024-Ohio-6133 – judge was victim of past crime committed by defendant.



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QUESTIONS?

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## IS THE JUDGE REQUIRED TO DISQUALIFY?

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
<b>Prior Involvement as Counsel or Judge</b>				
Judge is on a three-judge panel in a capital case and previously issued a blanket recusal order involving the assistant prosecutor on the case.	x			<i>Burge</i> , 2014-Ohio-1458
Judge prosecuted the defendant in an earlier unrelated criminal proceeding.		x		Jud. Cond. R. 2.11(A)(7)(b); <i>Batchelor</i> , 2013-Ohio-2626; <i>Stevenson</i> , 2014-Ohio-3176; <i>Robinson</i> , 2022-Ohio-4490.
Judge, while elected prosecutor, gave law enforcement charging advice concerning defendant.	x			<i>Kuhn</i> , 2023-Ohio-4882
Judge prosecuted the defendant, case now before the judge on a motion for post-conviction relief.	x			Jud. Cond. R. 2.11(A)(2)
Judge was an assistant prosecutor at the time of indictment but was not personally involved in the case.		x		<i>Gall</i> , 2013-Ohio-1319
Judge is likely to be a material witness in the case.	x			<i>Hedric</i> , 2009-Ohio-7208
While judge was in private practice, a law partner handled the matter.	x			Jud. Cond. R. 2.11(A)(7)(a)

**IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?**

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
Judge is former city council member who participated personally and substantially on the matter while on council.	x			Jud. Cond.R. 2.11(A)(7)(b)
Judge represented one of the parties while in private practice on an unrelated matter.		x		<i>Serrott, 2012-Ohio-6340; Breaux, 2019-Ohio-5454; Rosebrook, 2020-Ohio-5360; Ballard, 2022-Ohio-775.</i>
Judge presides over “family drug court” and “neglect and dependency” cases involving the same juvenile. Parents of the juvenile alleged bias based on extrajudicial information learned while presiding in drug court.		x		<i>Blanchard, 2017-Ohio-5543</i>
<b>Familiarity with Counsel or Parties</b>				
Judge has strong ties to a person involved in the case.	x			<i>Sage, 2011-Ohio-7082; Disciplinary Counsel v. Oldfield, 2014-Ohio-2963; Padden, 2018-Ohio-5420</i>
The court’s funding authority is a party.		x		<i>Watson (1997), 81 Ohio St.3d 1207</i>
A court employee is a party.		x		<i>Lotz, 2002-Ohio-7480; Bennett, 2019-Ohio-2017</i>
Counsel is the judge’s former law partner from six months ago.	x			<i>Vercillo, 2013-Ohio-5763; Ward, 2002-Ohio-7467</i>

**IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?**

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
Counsel is the judge's former law partner from 20 years ago.		x		<i>Vercillo, 2013-Ohio-5763; Ward, 2002-Ohio-7467</i>
Counsel is a local lawyer.		x		<i>O'Donnell, 2013-Ohio-5762; Schmidt, 2021-Ohio-3571; Kate, 2019-Ohio-4449</i>
Judge was a victim of the defendant in a crime (threats against public officials) that occurred over 20 years ago.		x		<i>Deveese, 2017-Ohio-9421</i>
Counsel represents the judge in the judge's personal or official capacity in another matter.	x			<i>Badger, 47 Ohio St.3d 604 (1989)</i>
<b>Political / Campaign Activity</b>				
Case involves a local officeholder and former party chair with personal connections to many local judges.	x			<i>Corrigan, 2005-Ohio-7153; Celebrezze, 2004-Ohio-7360; but see Gallagher, 2018-Ohio-5428.</i>
A member of the board of elections is a party in a proceeding.		x		<i>Villanueva, 74 Ohio St.3d 1277 (1995)</i>
Opposing law firm made contribution to judge's campaign committee.		x		<i>Bartolotta, 2016-Ohio-8585; Breaux, 2017-Ohio-7374</i>
Judge's campaign opponent is counsel in the case.		x		<i>Floyd, 2012-Ohio-6353; Hurley, 2014-Ohio-5874; Burt, 2015-Ohio-5670</i>

**IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?**

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
Counsel is on the judge's campaign committee.			x	Advisory Opinion 2014-1
Judge received a monetary campaign contribution from counsel for a party.		x		Wallace, 2019-Ohio-5452
Judge's decade old campaign statements vaguely referring to his former opponent's handling of a capital case, factually similar to the case at bar, warranted his disqualification to avoid the appearance of bias.	x			Cottrill, 2022-Ohio-4800
<b>Family and Friends</b>				
Judge's spouse is the county prosecutor, who had no personal involvement in the case.		x		Bates, 2012-Ohio-6342; Carr, 2004-Ohio-7357
Counsel is a friend of the judge.		x		Burt, 2013-Ohio-5898; Wallace, 2019-Ohio-5452
The defendant is the judge's daily workout partner.	x			Rastatter, 2009-Ohio-7205
The judge has personal and professional connections to a key witness in the case.		x		Leuthold, 2023-Ohio-4775

## IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
Judge's family member has an economic interest in the proceeding.	x			Jud. Cond. R. 2.11(A)(3)
Judge married to police officer employed by arresting agency of defendant.		x		<i>Farmer</i> , 2014-Ohio-2046; Advisory Opinion 89-19
Judge became social friends with political opponent of criminal defendant after conviction that was alleged as politically motivated.	x			<i>Crawford</i> , 2017-Ohio-9428
<b>Personal Knowledge or Bias</b>				
Judge has a personal bias or prejudice concerning a party or a party's lawyer.	x			Jud. Cond. R. 2.11(A)(1)
Judge has expressed dissatisfaction with a lawyer's time-wasting tactics.		x		<i>Holbrook</i> , 2013-Ohio-5863; <i>Harwood</i> , 2013-Ohio-5256; <i>Corrigan</i> , 2004-Ohio-7354; <i>Swenski</i> , 2014-Ohio-3299; <i>Russo</i> , 2021-Ohio-1246.
Judge has personal knowledge of the facts in dispute.	x			Jud. Cond. R. 2.11(A)(1)
During case, the judge's actions or words would cause a reasonable person to believe there is a hostile feeling or spirit of ill will.	x			<i>Sheppard</i> , 2013-Ohio-3643

**IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?**

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
Comments made by judge during sentencing suggesting defendant's parents were "gang members" and that defendant was responsible for ruining the lives of heroin users.	x			<i>Sutula, 2016-Ohio-8599</i>
Judge made public comments on a radio show about an unrelated case involving a child victim prior to sentencing a defendant in a child victim case.			x	<i>Ghiz, 2016-Ohio-8586; Jud.Cond.R. 2.11(A)(5)</i>
Judge's unnecessary and isolated comments about counsel's credibility and lack of professionalism; threatening contempt.		x		<i>Yarbrough, 2019-Ohio-4450; Stucki, 2019-Ohio-4534</i>
Speculation that the judge may be called as witness.		x		<i>Kelbley, 2019-Ohio-5450</i>
Judge presides over two civil cases arising from a criminal case he previously presided.		x		<i>Finnegan, 2019-Ohio-4533</i>
Counsel for party briefly represented judge's ex-husband during divorce proceedings.		x		<i>Ghiz, 2019-Ohio-3351</i>
Judge is allegedly Facebook "friends" with several persons related to defendant's prior criminal case.		x		<i>Muench-McElfresh, 2019-Ohio-4451; Kerenyi, 2020-Ohio-1082. See also Adv. Op. 2010-07.</i>

**IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?**

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
During the pendency of a matter, the defendant allegedly threatened to kill the judge.			x	<i>Binette, 2021-Ohio-1753</i>
Judge in a capital murder case referred to patients as “victims”, referred to defendant’s actions as “murder”, and sarcastically referred to defendant as “the killer” in chambers; was quoted in press regarding pending decisions and his opinions about defense’s trial strategy.		x		<i>Holbrook, 2022-Ohio-2141</i>
Judge excluded certain counsel from hearings, spoke to counsel in a rude tone, and made sarcastic comments.	x			<i>Clark, 2023-Ohio-4774</i>
Judge who was the victim of a past crime committed by the defendant in an underlying case is “otherwise . . . disqualified” under R.C. 2701.03 to avoid the appearance of impropriety.	x			<i>Leuthold, 2024-Ohio-6133</i>
Judge’s comment on the record that counsel had asserted “blatant lies” in an appellate-court filing created an appearance of impropriety.	x			<i>Gallagher, 2024-Ohio-6136</i>
<b>Conflicts</b>				
A party filed a lawsuit against the judge in state or federal court.		x		<i>Pokorny, 2013-Ohio-915; Mattingly, 2014-Ohio-3065; Saffold, 2018-Ohio-5258; Schooley, 2021-Ohio-3568; Giullitto, 2022-Ohio-749</i>

**IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?**

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
Judge was formerly an adjunct professor at a law school that is a party in the case.		x		<i>Froelich</i> , 2015-Ohio-3423
Judge previously recused himself/herself in an unrelated matter involving the same party.		x		<i>Celebrezze</i> , 2012-Ohio-6304, <i>VonAllman</i> , 2016-Ohio-8589; <i>Goslee</i> , 2018-Ohio-5422; <i>Leuthold</i> , 2018-Ohio-5426; <i>Serrott</i> , 2022-Ohio-3203; <i>Forchione</i> , 2011-Ohio-7077; <i>Inderlied</i> , 2015-Ohio-5676
Judge is a party in a federal lawsuit defended by same firm involved in underlying appellate case.	x			<i>O'Toole</i> , 2017-Ohio-7053
<b>Grievances Filed / Disciplinary Case</b>				
A party filed a grievance against the judge with the disciplinary authorities.		x		<i>Celebrezze</i> , 2012-Ohio-6304
Judge filed a grievance against counsel with the disciplinary authorities.			x	<i>Lynch</i> , 2013-Ohio-910; <i>Ghiz</i> , 2022-Ohio-4585; cf. <i>OSBA v. Evans</i> , 2013-Ohio-4992
Judge is likely to be an adverse witness in counsel's disciplinary case.			x	<i>Lynch</i> , 2013-Ohio-910; <i>Maschari</i> , 1999-Ohio-8
<b>Ex Parte Communications</b>				
Judge had an "academic" ex parte conversation with one lawyer regarding general issues in the case.	x			<i>Sheppard</i> , 2012-Ohio-6289
Ex parte communication via staff requesting counsel to prepare entry.			x	<i>Spitler</i> , 2014-Ohio-5875; <i>Disciplinary Counsel v. Stuard</i> , 2009-Ohio-261

## IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
Ex parte communication with lawyer who was a regular member of judge's carpool.		x		<i>Gall</i> , 2016-Ohio-8602
Going forward with a hearing in the absence of a party.		x		<i>McMonagle</i> , 2020-Ohio-4666
Judge had access to the police report that is included in the case file.		x		<i>Bonfiglio</i> , 2021-Ohio-4669
<b>Miscellaneous</b>				
Judge presiding over trial and post-conviction proceedings of defendant.		x		<i>Nastoff</i> , 2012-Ohio-6339; <i>Callahan</i> , 2014-Ohio-3175
Judge caused unreasonable delay in the case and characterized the state's position to pursue the death penalty in the case as "silly" and a "waste of time."		x		<i>Collier - Williams</i> , 2017-Ohio-5718; <i>Yarbrough</i> , 2020-Ohio-4439
Judge failed to adequately explain or clarify her conduct after a request from the Court; allegation that judge entrusted judicial functions to staff.	x			<i>Saffold</i> , 2021-Ohio-114
COVID-19; if a judge cannot prove that he or she has taken steps to protect the safety of individuals in the courtroom, the judge may be disqualified.	x			<i>Fleegle</i> , 2020-Ohio-5636; <i>Carr</i> , 2020-Ohio-2868

**IS THE JUDGE REQUIRED TO DISQUALIFY HIMSELF OR HERSELF?**

DISQUALIFICATION SCENARIO	YES	NO	IT DEPENDS	AUTHORITY
<p>Administrative judge assigned case to herself despite requirement to randomly assign cases was disqualified to avoid the appearance of impropriety.</p>	x			<i>Celebrezze, 2023-Ohio-4383</i>
<p>An objective observer would reasonably conclude that the judge had already determined that a party would be guilty of contempt regardless of evidence adduced at a future contempt hearing.</p>	x			<i>Ruehlman, 2024-Ohio-1306</i>
<p>Jud. Cond.R. 2.11 does not prohibit a judge who recused from a case from returning to preside over the case once the conflict of interest has abated.</p>		x		<i>Hejmanowski, 2024-Ohio-4477</i>

**RECENT JUDICIAL MISCONDUCT CASES  
(through February 2025)**

***Ex Parte Communications***

*Disciplinary Counsel v. Lemons*, [2022-Ohio-3625](#) (public reprimand)

Respondent was publicly reprimanded for conducting an independent investigation of a home where minor children were residing, issuing a *sua sponte* order to have the children removed from the home, and later presiding over dependency proceedings that were initiated as a result of his investigation and removal order. The Supreme Court stated that the judge’s “good intentions do not excuse him from complying with the Code of Judicial Conduct.” Rules violated: Jud. Cond. R. 2.2, 2.9(C), and 2.11(A)(1).

*Disciplinary Counsel v. Winters*, [2021-Ohio-2753](#) (six-month suspension, stayed)

Respondent was suspended for six months, stayed on conditions as a result of engaging in *ex parte* communications via social media. The *ex parte* communications involved multiple cases on the judge’s docket in which the private citizen was a party and one criminal case in which the citizen alleged the defendant sold heroin to the citizen’s daughter. Respondent failed to disclose these communications or disqualify himself from the pending matters. The Court relied on *Porzio* and *Elum I*. Rules violated: Jud. Cond. R. 1.2, 2.2, 2.9(A), 2.9(B), and 2.11(A).

*Disciplinary Counsel v. Porzio*, [2020-Ohio-1569](#) (six-month suspension, stayed)

Respondent, who was a magistrate at the time the misconduct occurred, received a six-month suspension for engaging in a lengthy *ex parte* communication, during which she announced her intended decision, ridiculed an absent party, made inappropriate comments regarding the parties’ religions, used profanity. After reviewing a recording of the hearing, she did not recuse herself from the case. The Court agreed that these factors warranted a more severe sanction than the public reprimand recommended by the parties, but also agreed that the mitigating factors weighed in favor of a fully stayed suspension. The Court relied on *Elum I*. Rules violated: Jud. Cond. R. 1.2, 2.9(A), and 2.11(A).

*Disciplinary Counsel v. Goulding*, [2020-Ohio-4588](#) (six-month suspension, stayed)

At the request of a friend, respondent contacted jail staff to determine the whereabouts of an individual who had been arrested and later ordered the defendant released from custody, even though the defendant’s case was not assigned to his docket. Respondent also had *ex parte* communications with the defendant, the defendant’s attorney, and the judge to whom the case was assigned. Rules violated:

Jud. Cond. R. 1.2, 1.3, and 2.9(A) [note: the Board found that respondent's conduct appeared to violate Jud. Cond. R. 2.9(C) and 2.4(B), although those violations were not charged in the complaint].

*Disciplinary Counsel v. Salerno*, [2019-Ohio-435](#) (one-year suspension, stayed)

Respondent received a one-year stayed suspension for reducing a defendant's bond following an *ex parte* communication from defense counsel and unilaterally reversing a previous finding of guilty in another case because of her frustration with the prosecutor. The Board and Court relied on *Elum II* as precedent for imposing a one-year stayed suspension. Rules violated: Jud. Cond. R. 1.2, 2.2, and 2.9(A).

### **Failure to Disqualify**

*Disciplinary Counsel v. Rusu*, [2019-Ohio-1201](#) (public reprimand)

Respondent was publicly reprimanded based on his failure to recuse himself from more than 170 probate cases in which he was counsel of record while in private practice, including three cases in which the judge approved a magistrate's decision. Respondent also failed to properly withdraw from several cases following his appointment to the bench. Aggravating factor of multiple offenses; mitigating factors of no prior discipline, absence of a selfish or dishonest motive, cooperative attitude, no client harm, remedial measures, and good character and reputation. Cases cited in support of the sanction included *Oldfield*, *Medley I*, and *Trumbull Cty. Bar Assn. v. Masek*. Rules violated: Jud. Cond. R. 1.2 and 2.11 and Prof. Cond. R. 1.16(d).

*Disciplinary Counsel v. Holben*, [2018-Ohio-5097](#) (public reprimand)

Respondent was publicly reprimanded for failing to disqualify herself from three cases in which she represented the county children's services office before becoming a magistrate. The Board and Court found the respondent's conduct to be no more egregious than that of the respondents in *Oldfield* and *Goldie*, each of whom received public reprimands. Rules violated: Jud. Cond. R. 1.2 and 2.11(A)(7)(b).

### **Abuse of Authority; Failure to Follow the Law; Dishonesty**

*Disciplinary Counsel v. Hoover*, [2024-Ohio-4608](#) (18-month suspension, six months stayed)

Respondent was found to have committed 64 violations of the Code of Judicial Conduct and Rules of Professional Conduct with regard to his treatment of 16 defendants who owed fines and court costs. In each instance, attempted to compel payment of the outstanding fines and court costs through actual incarceration or threats of incarceration. He did so without following applicable legal procedures

and further displayed bias toward the defendants based on race or socioeconomic status. Rules violated: Jud. Cond. R. 1.2, 2.2, and 2.3(B); Prof. Cond. R. 8.4(d).

*Disciplinary Counsel v. Gaul*, [2023-Ohio-4751](#) (one-year suspension)

Respondent was suspended for one year after committing 29 rule violations involving seven criminal cases and one civil stalking protection order case. This was respondent's second disciplinary case, the first resulted in imposition of a six-month stayed suspension in 2010. In this matter, respondent improperly coerced no-contest pleas in two cases, engaged in aggressive questioning of a criminal defendant, made demeaning comments to a defendant and courtroom spectators in two cases, improperly aided a litigant in a federal court case, disregarded appellate court orders, and abused his contempt authority. The Court found respondent's conduct was contrary to the principles of judicial independence, integrity, and impartiality and caused harm to multiple litigants. Rules violated: Jud. Cond. R. 1.2, 1.3, 2.2, 2.3(B), 2.6(B), 2.8(B), 2.11(A)(1) and Prof. Cond. R. 8.4(d).

*Disciplinary Counsel v. Carr*, [2022-Ohio-3633](#) (indefinite suspension)

Respondent received an indefinite suspension for "unprecedented misconduct" involving more than 100 stipulated incidents over a two-year period. The judge engaged in repeated acts of dishonesty, systematically disregarded due process, the law, and local rules, displayed disrespect to litigants and court staff, and abused her *capias* and contempt authority. The case marked the first instance in which the Supreme Court imposed an indefinite suspension against a judicial officer where there was no criminal conduct. Rules violated: Jud. Cond. R. 1.2 (multiple violations), 2.2 (multiple violations), 2.5, 2.8(B) (multiple violations), 2.9(A), 2.11(A)(1), and 2.11(A)(2)(d) and Prof. Cond. R. 8.4(c) and (d) (multiple violations).

## **Abuse of Authority**

*Disciplinary Counsel v. O'Diam*, [2022-Ohio-1370](#) (six-month suspension, stayed)

Respondent was suspended for six months, stayed on conditions, after conducting a status conference during which he and his attorney-daughter berated an estate beneficiary for comments the beneficiary made at a county commissioners meeting. The comments related to the judge's practice of presiding over cases in which his daughter was acting as counsel after the daughter obtained disqualification waivers from parties. The executor and beneficiaries were ordered to attend the conference, under threat of contempt, and the beneficiary who made the comments was placed under oath and cross-examined by the judge for nearly one hour. Following the judge's questioning, her allowed his daughter to question the beneficiary and make other comments for more than 15 minutes. Rule violated: Jud. Cond. R. 2.8(B).

The Board recommended a six-month actual suspension based, in part, on the sanction imposed in *Bachman*. Although the Supreme Court rejected the majority of O'Diam's objections to the Board's recommendation, the Court sustained his argument that his conduct did not rise to the level of *Bachman*'s due largely to the fact his actions did not result in the beneficiary's incarceration.

*Disciplinary Counsel v. Bachman*, [2020-Ohio-6732](#) (six-month suspension)

Respondent-magistrate left the bench and exited the courtroom to confront a litigant whom he believed disrupted a hearing. Respondent ordered the litigant to stop, ran toward the litigant, and ordered her to return to the courtroom. Respondent called deputies and later found the litigant in contempt and ordered her to serve three days in jail. After the litigant objected, respondent increased the contempt sentence to ten days. The contempt penalty was later reduced by a judge and the litigant was released from jail. Rules violated: Jud. Cond. R. 1.2, 2.2, and 2.8(B).

The Board recommended a six-month, stayed suspension, finding respondent lacked remorse for the harm caused to the litigant and failed to appreciate the inappropriateness of his actions. The Supreme Court concluded that the respondent's abuse of his contempt authority was outrageous and appalling and imposed a six-month actual suspension.

*Disciplinary Counsel v. Repp*, [2021-Ohio-3923](#) (one-year suspension)

Respondent addressed a spectator from the bench on several occasions during a court proceeding and, without justification, ordered her to undergo a drug test. When the spectator refused to submit to the drug test, respondent found her in contempt and sentenced her to ten days in jail. At the jail, the spectator was required to take a pregnancy test and undergo two full body scans. She also was transported to a local hospital where she was required to undergo a second pregnancy test and a CT/MRI scan for the purpose of detecting contraband. The spectator was released from jail the following day, and the court of appeals later vacated the contempt finding as an invalid exercise of contempt authority. Rules violated: Jud. Cond. R. 1.2, 2.2, and 2.8(B) and Prof. Cond. 8.4(d).

The Board recommended a one-year suspension finding respondent's conduct substantially more egregious than that of the magistrate in *Bachman* and that respondent failed to take full responsibility for his misconduct. The Board also referenced the fact that the spectator did absolutely nothing to warrant the judge's attention during the court proceeding. The Supreme Court imposed a one-year suspension, finding the sanction would best protect the public and send a strong message to the judiciary that this type of judicial misconduct will not be tolerated.

## **False/Fraudulent Timekeeping**

*Disciplinary Counsel v. Wochna*, [2018-Ohio-4492](#) (six-month suspension, stayed) and *Disciplinary Counsel v. Dunn*, [2018-Ohio-4283](#) (six-month suspension, stayed)

Respondents received six-month suspension, stayed in its entirety for falsely recording work hours and leave while serving as a magistrate. The parties stipulated to and the Board and Court found that respondents' conduct violated Jud. Cond. R. 1.2 and Prof. Cond. R. 8.4(c). The Board and Court distinguished this case from *Kramer* (one-year, stayed suspension) based on the respondents' acceptance of responsibility, offer of repayment to the county, and cooperative attitude toward the disciplinary process.

## **Inappropriate Use of Social Media**

*Ohio State Bar Assn. v. Winkler*, [2024-Ohio-3141](#) (public reprimand)

Respondent was publicly reprimanded for permitting court staff to make inaccurate comments to the media about a pending guardianship and posting similar comments on the court's Facebook page. Rules violated: Jud. Cond. R. 1.2, 2.8(B), and 2.10(A) and (C).

*Disciplinary Counsel v. Berry*, [2021-Ohio-3894](#) (six-month suspension, stayed)

Respondent was suspended for six months, stayed on conditions for sending multiple, inappropriate Facebook messages to a court employee. The messages were partisan, and some contained vulgar and sexually explicit content, thus undermining the public's confidence in the integrity and impartiality of the judiciary. Rule violated: Jud. Cond. R. 1.2.

## JUDICIAL ETHICS GUIDES AND EXCERPTS FROM SELECTED ADVISORY OPINIONS

### JUDICIAL ETHICS GUIDE: [EXTRAJUDICIAL ACTIVITIES \(2022\)](#)

The *Extrajudicial Activities* guide reviews the permissible activities and organizational memberships a judge may undertake. The guide reviews the ethical obligations of the judge to avoid activities that may compromise the independence, integrity, and impartiality of the judiciary, interfere with a judge's official duties, or give rise to frequent disqualification. A judge's limited role in organization fundraising, de minimis use of court resources, and membership in organizations under contract with the judge's court are also reviewed. The guide additionally covers limitations on employment and financial activities, fiduciary roles, the activities of speaking, writing, and teaching, and the use of social media.

### JUDICIAL ETHICS GUIDE: [TRANSITION FROM BAR TO BENCH \(2017\)](#)

The *Transition from the Bar to the Bench* guide addresses the necessary steps an incoming judge must take to wind up his or her legal practice and ethically prepare for the role of judge. Because fulltime judges may not practice law in Ohio, some of the first steps outlined by the guide focus on the duties owed to clients to ensure that their ongoing matters, files, and property are timely and properly transitioned to new lawyers. For incoming judges leaving behind a private practice, the guide references financial and practical matters related to the receipt of earned fees and settlement proceeds, retirement and partnership benefits, as well as the sale of a law practice. The guide also details whether a new judge should consider recusal in light of appearances by former partners, associates, clients, and defendants. Lastly, guidance is also provided concerning issues related to outside employment and real estate holdings.

**APPEARANCE OF A LAWYER AFFILIATED WITH THE LAW FIRM OF A JUDGE'S SPOUSE: [OPINION 2023-05](#)**

**SYLLABUS:** The Code of Judicial Conduct does not mandate a judge's disqualification when a lawyer employed by, associated with, or in partnership with the judge's spouse appears before the judge. The determination of whether a judge's impartiality may be reasonably questioned or whether an interest of the judge's spouse may be substantially affected by the outcome of the proceeding is to be made on a case-by-case basis. A judge should disclose to the parties the spouse's employment with the law firm even if there may be no basis for disqualification.

**JUDGE SOLICITING DONATIONS FOR SPECIALIZED DOCKET COURT: [OPINION 2023-01](#)**

**SYLLABUS:** A judge may not sign a letter soliciting local businesses to donate items for use as program rewards and incentives for participants in a specialized docket court. A court employee, at the direction of a judge, may not solicit local businesses to donate items for use as program rewards and incentives for participants in a specialized docket

**JUDGE ATTENDANCE AT EXCLUSIVE TRAINING FOR MEMBERS OF LAW ENFORCEMENT AND PROSECUTORS: [OPINION 2022-8](#)**

**SYLLABUS:** A judge should not attend a training course that is offered by a law enforcement agency and open exclusively to judicial officers, prosecutors, and members of law enforcement.

**JUDICIAL MEMBERSHIP AND LEADERSHIP IN COUNTY OR STATE PARTY EXECUTIVE COMMITTEES, POLITICAL PARTY CLUBS, AND COUNTY BOARDS OF ELECTIONS: [OPINION 2022-2](#)**

**SYLLABUS:** A judicial officer may not serve as a member of a state or county executive committee of a political party, as a leader of a political party club, or as a member of a county board of elections.

**JUDICIAL DISQUALIFICATION WHEN RECEIVING FEES OR OTHER PAYMENTS FROM FORMER LAW FIRM: [OPINION 2021-6](#)**

**SYLLABUS:** A judge may accept fees or other payments from his or her former law firm for fees earned for performing legal services before the judge assumed public office. A judge must recuse himself or herself from cases in which lawyers from his or her former law firm appear as counsel and the judge is receiving or anticipates receiving fees or other payments from the firm. A judge should consider the nature of the prior professional relationship, the size of the judge's former law firm, and the time interval since the relationship concluded, when determining an appropriate period of time before hearing a case involving a former partner. A judge may not continue to participate in a law firm's partnership for purposes of receiving fees or other payments from the firm.

**POLITICAL AND CAMPAIGN ACTIVITIES OF MAGISTRATES: [OPINION 2018-4](#)**

**SYLLABUS:** A magistrate may not make a contribution to the campaign committee of a judicial candidate seeking office to the same court or division of a court to which the magistrate is appointed. A magistrate may contribute personal funds to a political party, a nonjudicial candidate, or to the campaign committee of judicial candidate who is seeking election to a court or division of the court other than the one to which the magistrate is appointed. A magistrate may not publicly endorse or oppose a candidate for any public office, including an incumbent judge or a judicial candidate. A magistrate may not solicit or receive campaign contributions on behalf of a political party or candidate for any public office, including judicial office.

**DUTY OF JUDGE TO REPORT MISCONDUCT:**  
**[OPINION 2017-2](#)**

**SYLLABUS:** A judge who has knowledge that another judge has committed a violation of the Code of Judicial Conduct that raises a question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects is required to report it to the appropriate disciplinary authority. Likewise, a judge who has knowledge of a lawyer's violation of the Rules of Professional Conduct has an ethical duty to report it to the disciplinary counsel or a local certified grievance committee. A report of misconduct by a judge should be made within a reasonable time after the judge becomes aware of the violation.

If a judge does not have actual knowledge, but receives information indicating a substantial likelihood that another judge or lawyer has committed reportable misconduct, then the judge should take appropriate action, which may include communicating directly with the judge or lawyer involved, communicating with a supervisor, partner, or colleague, or reporting the suspected violation to the appropriate disciplinary authority.

Additionally, a judge who reports a lawyer's misconduct to the proper disciplinary authority is not presumptively disqualified from presiding over cases in which that lawyer appears.

**STANDARD FOR JUDICIAL DISQUALIFICATION WHEN COUNSEL IS A PARTICIPANT IN THE JUDGE'S CURRENT ELECTION CAMPAIGN:**

**[OPINION 2014-1](#)**

**SYLLABUS:** The mere participation by a lawyer in a judge's current election campaign does not require judicial disqualification when the lawyer has a case before the judge. When a lawyer's campaign activities evidence a substantial political relationship with a judge, disqualification is warranted during the campaign fundraising period. A substantial political relationship between a lawyer and a judge does not require the judge to disqualify himself or herself from cases involving the partners and associates of the lawyer's firm. A judge must disclose a substantial political relationship with a lawyer if seeking a waiver of disqualification, but a lawyer is not required to disclose the relationship to opposing counsel. Should a lawyer serve as a judge's legal advisor during an election campaign, and a lawyer-client relationship exists, the judge must disqualify himself or herself from the lawyer's cases until both the campaign fundraising period and lawyer-client relationship have ended.

**JUROR APPRECIATION: [OPINION 2009-10](#)**

**SYLLABUS:** A judge may thank jurors for their service by a verbal expression of appreciation, a letter of appreciation, a certificate of appreciation, or a small but dignified memento, such as a bookmark. A memento, such as a bookmark, may be imprinted with the judge's name, picture, and a historic quote regarding jury service. Thanking jurors for their service is a courtesy that judges may extend in an election or non-election year. Preferably, a judge's thanks to jurors would be extended soon after the jury service is completed. A judge should use a uniform method of thanking the jury that is in keeping with the dignity of jury service and the furtherance of the administration of justice. In thanking jurors for their service, a judge should not discuss the merits of the case; and should not commend or criticize the jurors for their verdict. In thanking jurors for their service, a judge should carefully consider whether it is prudent to do so at personal expense, rather than at court expense. Applying the advice offered by the Ohio Elections Commission in Op. 89-4, if a judge at personal expense distributes items with the judge's name and office for the purpose of promoting a possible future candidacy, the expenditure reporting requirements under R.C. 3517.10 might be triggered.

**AFFIDAVIT OF DISQUALIFICATION: [OPINION 2025-1](#)**

**SYLLABUS:** It is improper under the privacy provisions of Gov. Bar R. V, Section 8 for an attorney to state in an affidavit of disqualification of a judge that the attorney has filed a disciplinary grievance against the judge when the grievance has not been certified as a formal complaint. The rule protects the privacy of disciplinary matters under investigation until there has been a finding of probable cause and certification of the complaint by the Board of Professional Conduct.

**See also:** [Ohio State Bar Assn. v. Evans](#), 2013-Ohio-4992

**TRAVEL EXPENSES: [OPINION 2009-2](#)**

**SYLLABUS:** It is improper for a juvenile court judge (or court staff) to accept travel expenses (payment or reimbursement of travel, meals, and lodging) from the owners of a private placement facility that receives or seeks to receive placements of juveniles by the court, for travel to the facility for an informational tour or to assess a juvenile placed there by the court.

It is improper for a juvenile court judge (or court staff) while attending a conference to accept a gratuitous non-conference meal paid for by a private placement facility that receives or seeks to receive placement of juveniles by the court.

A juvenile judge's (or court staff's) reporting on an annual financial disclosure statement does not resolve all of the impropriety in accepting travel expenses (payment or reimbursement of travel, meals, and lodging) or a gratuitous non-conference meal from an improper source such as a private placement facility that receives or seeks to receive placements of juveniles from the court, but fulfills ethical and legal reporting requirements as to the annual financial disclosure statement under the Ohio Code of Judicial Conduct and Ohio Ethics Law.

**COURT EMPLOYEES: [OPINION 2002-10](#)**

**SYLLABUS:** Ohio Ethics Law, Section 102.03(E) of the Ohio Revised Code, prohibits a probation officer employed in a municipal court department of probation from *soliciting or accepting* private employment by a for-profit company that operates a drivers' intervention program for defendants found guilty of operating a motor vehicle while under the influence of alcohol and sentenced by the court to attend a drivers' intervention program as a condition of probation, *unless* the municipal court judge determines that the probation officer may withdraw from his or her duties as a probation officer with regard to those defendants and have no involvement in informing or assisting any defendant in choosing which drivers' intervention program to attend. Whether a probation officer may withdraw from his or her duties is for the municipal court judge to determine based upon the duties, responsibilities, facts, and circumstances of both the public and private employment. In making the determination, the judge's concern should be the impact on the court and what is important for the court in the fair and impartial administration of justice, not the private business needs of the company or the private personal or financial needs of the employee. Ohio Ethics Law, Section 102.03(D) of the Ohio Revised Code, prohibits a probation officer employed in a municipal court department of probation from using the authority or influence of his or her court employment to *secure* private employment by a for-profit company that operates a drivers' intervention program for defendants found guilty of operating a motor vehicle while under the influence of alcohol and sentenced by the court to attend a drivers' intervention program as a condition of probation. For instance, the promise of court referrals of defendants to a drivers' intervention program would be a misuse of the probation officer's court employment to secure private employment.

**REQUEST FOR DONATIONS: [OPINION 2004-13](#)**

**SYLLABUS:** Under Canon 1, 2, and 3(C)(1) of the Ohio Code of Judicial Conduct, a municipal court judge may not prepare and sign a letter requesting local businesses to donate small items for use as program rewards and incentives for defendants in the mental health court and the judge may not direct a court employee to solicit such donations. Use of the judicial office and judicial employees to solicit donations from local businesses for defendants in mental health court programs is improper.

**GOLF OUTINGS: ETHICS COMMISSION [ADVISORY OPINION NO. 2001-03](#)**

Syllabus by the Commission:

(1) Divisions (D) and (E) of Section 102.03 of the Revised Code prohibit a public official or employee from soliciting, accepting, or using his or her position to secure a substantial thing of value, including a golf outing at which the public official or employee would receive a round of golf, golf cart rental, and food and beverages, from a party that is interested in matters before, regulated by, or doing or seeking to do business with the public official's or employee's public agency;

Division (F) of Section 102.03 of the Revised Code prohibits any person from promising or giving, to a public official or employee, anything of value, including a golf outing at which the public official or employee would receive a round of golf, golf cart rental, and food and beverages, if the person is a party that is interested in matters before, regulated by, or doing or seeking to do business with the public official's or employee's public agency; (3) Division (A) of Section 2921.43 of the Revised Code prohibits a public servant from accepting any gift, including a golf outing, regardless of its value, and prohibits any person from giving such a gift to a public servant, if either the purpose or the result of the gift is to provide payment to the public servant in return for the performance of his or her official duties.

Board of Professional Conduct Advisory Opinions

<http://www.ohioadvop.org/>

Board of Professional Conduct Judicial Ethics Guides

<https://www.bpc.ohio.gov/judges-and-magistrates>

Ohio Ethics Commission Advisory Opinions:

<http://ethics.ohio.gov/advice/index.html>

# **Docket Management**

**Hon. Kristin G. Farmer**

*Stark County Common Pleas Court*

**Hon. Randall D. Fuller**

*Delaware County Domestic Relations Court*



Fairborn Municipal Court  
Greene County, Ohio

FILED  
FAIRBORN MUNICIPAL COURT  
24 JAN 19 PM 2:35  
MELISSA  
CLERK OF COURTS  
FAIRBORN  
GREENE COUNTY  
GENERAL

In accordance with Ohio Revised Code Section 2937.011 (I)(4) and 2937.222, the following bond schedule is adopted and court ordered for all traffic and criminal cases in the Fairborn Municipal Court when the person has been arrested. There is a presumption of personal bond for all misdemeanor charges unless otherwise provided by statute.

The Judge or Magistrate shall set bond(s) for the following cases:

1. Personal recognizance is the rule.

If the police officer or prosecutor, based on the circumstances of the case, has reasonable cause to believe that a personal recognizance bond is insufficient, the Defendant will be held with no bond until seen by the judge or magistrate. If the judge or magistrate determines that personal bail is insufficient, the conditions of release shall be set pursuant to Ohio Revised Code Section 2937.011 (I)(4).

When a judge or magistrate has previously set bail in a case, or has ordered a new amount in its last capias or warrant entry, that bail shall remain in effect unless otherwise ordered by a judge or magistrate.

For all other charges, the judge or magistrate of the court shall set bail pursuant to Ohio Revised Code Section 2937.011 (I)(4).

This includes:

2. Felonies;
3. Misdemeanor charges, regardless of whether charged under the Ohio Revised Code, local ordinance, or other statutory provision:
  - A. Domestic violence or any other offense of violence if the victim is a family or household member (see: R.C. 2919.251);
  - B. Violation of any protection order or condition of community control, supervision, or probation involving prohibition from contact with specified persons or places;
  - C. The following offenses if the accused was subject to a protection order and/or has a prior conviction involving the same complainant/victim pursuant to R.C. 2903.212;
    - i. Aggravated Menacing (R.C. 2903.21);
    - ii. Menacing by stalking (R.C. 2903.211);
    - iii. Menacing (R.C. 2903.22);
    - iv. Aggravated trespass (R.C. 2911.21);
    - v. Any sexually oriented offense as defined by R.C. 2950.01.
  - D. Any other offense when the victim, police officer, or prosecutor is seeking a protection order, no contact order, or other conditions of bond.

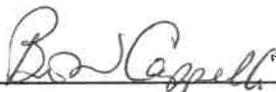
In addition to the amount of bond, all bonds shall include additional statutory fees for misdemeanor and felony charges.

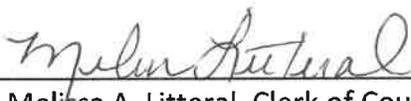
In all cases a surety bond may be posted instead of a cash bond if the surety has been approved by the Clerk of the Fairborn Municipal Court.

This bond schedule is effective as of January 19, 2024, for all cases filed in the Fairborn Municipal Court and supersedes any and all previous bond schedules of Fairborn Municipal Court.

Spread upon the Journal of the Fairborn Municipal Court this 19<sup>th</sup> day of January, 2024

State of Ohio)  
Greene County)

  
\_\_\_\_\_  
Judge Beth W. Cappelli, Administrative Judge

  
\_\_\_\_\_  
Melissa A. Litteral, Clerk of Court

FILED  
FAIRBORN MUNICIPAL COURT

24 JAN 19 PM 1:04

FAIRBORN MUNICIPAL COURT  
HAMILTON COUNTY  
MELISSA A. TAYLOR  
CLERK OF COURTS

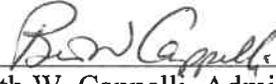
IN THE MUNICIPAL COURT OF FAIRBORN, OHIO

ADMINISTRATIVE ORDER

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Pursuant to Ohio Revised Code Section 2937.011 (I)(4), this Court has reviewed its bail bond schedule prior to January 31, 2024, to ensure it remains an appropriate bail bond schedule that does not result in the unnecessary detention of defendants due to inability to pay. Having reviewed this Court's bond schedule it is the ORDER of this Court that the bond schedule currently in effect shall remain in effect.

IT IS SO ORDERED.

  
\_\_\_\_\_  
Beth W. Cappelli, Administrative Judge

FAIRBORN MUNICIPAL COURT  
TEXTING -EMAIL NOTICE RELEASE FORM  
PLEASE PRINT CLEARLY

CASE # \_\_\_\_\_

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ Sr.: \_\_\_\_ Jr.: \_\_\_\_

STREET ADDRESS: \_\_\_\_\_ APT #: \_\_\_\_\_

CITY \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE \_\_\_\_\_

PREFERRED CELL NUMBER: \_\_\_\_\_

EMAIL: \_\_\_\_\_

- IF YOUR CONTACT INFORMATION CHANGES, **IT IS YOUR RESPONSIBILITY TO COMPLETE A NEW FORM IF YOU WISH TO CONTINUE TO RECEIVE TEXT MESSAGES AND OR EMAIL NOTICES OF YOUR HEARINGS, ETC.**
- THIS CONSENT FORM IS FOR **THIS CASE ONLY**.
- IF YOU HAVE ADDITIONAL CASES, YOU WILL NEED TO COMPLETE AN ADDITIONAL FORM FOR EACH CASE.
- You will receive a text message **5 days** prior to the hearing and **1 day** prior to the hearing.
- Email notification will occur when you have a scheduled ZOOM hearing, along with all court notices. By agreeing to receive email notices the Court will not mail any court notices to you via regular mail service.

YOU WILL RECEIVE TEXT MESSAGES FOR THE FOLLOWING:

- COURT HEARINGS
- PROBATION REPORTING

\*\*\*\*\*

I understand standard message and data charges from my cell carrier may apply when receiving text messages. By signing below, I acknowledge Fairborn Municipal Court may send text messages to my cellphone for notification of court hearings or probation appointments.

It is important to make appropriate adjustments to the spam filters and other quarantine rules on your email system to assure that you receive email communications from the Fairborn Municipal Court without interruption. All email from the court will end with “@fairbornoh.gov” It is **YOUR** responsibility to open, read and act promptly on email communications from our Court. Failure to do so is not a justification for missing deadlines or for otherwise not performing your required duties.

SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

[PLAINTIFF(S)],	)	CASE NO. 2025CV00-----
	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	JUDGE KRISTIN G. FARMER
	)	
	)	
[DEFENDANT(S)], et al.,	)	<b>JUDGMENT ENTRY OF</b>
	)	<b>ASSIGNED DATES</b>
	)	
Defendant(s)	)	

**The Court sets the following dates in this matter:**

1.A **INITIAL PRETRIAL** shall be held on **May 28, 2025 at 10:00 a.m.** by telephone. **Please email your contact number to [davance@starkcountyohio.gov](mailto:davance@starkcountyohio.gov). The Court will initiate the call.**

2.A **FINAL PRETRIAL** will be held on **April 16, 2026 at 2:00 p.m.** **ALL ATTORNEYS SHALL HAVE THEIR CLIENTS, AGENTS, OR REPRESENTATIVES WITH COMPLETE SETTLEMENT AUTHORITY PRESENT IN PERSON AT THE FINAL PRETRIAL UNLESS SPECIFICALLY EXCUSED BY THE COURT.** The final pre-trial will be held on the Fourth Floor of the Stark County Courthouse.

3.This matter is set for a **TRIAL** on **April 27, 2026 at 8:30 a.m.**, on a stand-by basis for the entire week. Continuances will not normally be granted.

**4.DISCOVERY AND EXPERT DEADLINES:** Pursuant to Civil Rule 26 (F), attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging a discovery planning conference no later than 21 days before the initial pretrial. A proposed written discovery plan shall be filed with the Clerk of Courts within 14 days after the planning conference. The discovery plan shall state the parties' views and proposals on those items set forth in Civil R. 26 (F) (3) ( a) though ( i). Based upon conference discussions, the discovery plan shall include a proposed discovery

cut-off date and expert cut-off dates, including the exchange of reports.  
**These dates must be set within the time frame set by the Court in this Judgment Entry and must not change the dates set by the Court without approval.**

**The following orders apply to this matter:**

- 1. The failure to appear at any pretrial conference or hearing may result in adverse judgment being entered against the party not appearing or in default judgment being rendered, wherever appropriate.**
- 2. All required court cost deposits must be paid within FIVE (5) days of the date of this entry. Should complete court costs not be paid as required, the Court, without further hearing, may dismiss this matter for want of prosecution. Should costs not be paid for a jury demand, the Court will strike the jury demand. Plaintiff and defendant shall both be responsible for checking the docket and securing the payment of costs necessary for a jury demand. The fact that one party has made a jury demand does not act as a valid jury demand unless the court costs have been paid as required by this order.**
3. The Court intends to order those persons required to serve jury duty to be summoned by the Jury Commissioners no later than 1:00 p.m. the Thursday preceding the week of trial. If the matter is resolved after that time, counsel are required to notify the Court immediately or costs of summoning jurors shall be taxed as costs. **THERE SHALL BE NO SETTLEMENT NEGOTIATIONS ON THE DAY OF THE COMMENCEMENT OF TRIAL.**
4. Transcripts of video depositions to be used at trial, along with objection logs stating the reasons for each objection and citations of any relevant authority, motions in limine, proposed jury instructions, and jury interrogatories shall be filed on the day of the Final Pretrial, unless leave is granted otherwise. Copies shall be delivered to chambers. **Failure to file such will result in waiver of same. The failure to timely file transcripts of video depositions, along with objections logs as required by the order, may result in the exclusion of such deposition from trial.**
5. Proposed jury instructions and jury interrogatories shall be provided to the Court electronically by emailing same to Magistrate Lori Flowers at [lflowers@starkcountyohio.gov](mailto:lflowers@starkcountyohio.gov).
6. Counsel shall confer at least TEN (10) days prior to the scheduled Final Pretrial to determine whether they can enter into stipulations relative to the facts or issues. Any such stipulations shall be submitted in writing to the Court

no later than the date of the Final Pretrial.

7. In the event that parties cannot agree to stipulations, no later than **THREE (3)** days prior to the date of the Final Pretrial, counsel shall submit a written statement setting forth that they have conferred, and they cannot agree on any stipulations.
8. **ONE (1)** copy of all exhibits proposed to be introduced at trial, along with an index of the exhibits containing a brief description of such exhibit, shall be furnished to the Court no later than **TWO (2)** working days before the scheduled trial date.
9. Counsel shall exchange copies of all exhibits and exhibit indexes no later than **TWO (2)** working days before the scheduled trial date.
10. All exhibits shall be marked before trial with official exhibit stickers. The Plaintiff shall mark exhibits with numbers and the Defendant shall mark exhibits with letters. If there are multiple parties, numbers or letters shall be used followed by the party's last name (i.e. "1-Miller," or "A-Jones"). If the Defendant has more than twenty-six (26) exhibits, double letters shall be used (i.e., AA, BB, CC, etc.).
11. Counsel shall confer and agree upon a short statement of the case to be read by the Court to the jury during jury selection. Said agreed upon statement shall be submitted to the Court at least **TWO (2)** working days before the scheduled trial.
12. **Counsel shall file trial briefs at least ONE (1) week prior to the scheduled trial date listed above.** Trial briefs shall include the following:
  - a) a statement of facts;
  - b) a discussion of the controlling law;
  - c) a list of proposed witnesses, along with a brief description of the subject matter of the testimony of each witness;
  - d) an index of all proposed exhibits containing a brief description of each exhibits; and
  - e) a discussion of any evidentiary issues likely to arise at trial.
13. **All Civil Rules of Procedure and all Local Rules, not modified by this order, are incorporated herein as if fully rewritten.**

**IT IS SO ORDERED.**

---

**Judge Kristin Farmer**

**C: ALL COUNSEL**

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

[PLAINTIFF(S)],	)	CASE NO. 2025CV00-----
	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	JUDGE KRISTIN G. FARMER
	)	
	)	
[DEFENDANT(S)], et al.,	)	<b>JUDGMENT ENTRY OF</b>
	)	<b>ASSIGNED DATES</b>
	)	<i>Workers Comp</i>
Defendant(s)	)	

**The Court sets the following dates in this matter:**

1. A **FINAL PRETRIAL** will be held on **January 20, 2026 at 2:00 p.m.** **ALL ATTORNEYS SHALL HAVE THEIR CLIENTS, AGENTS, OR REPRESENTATIVES WITH COMPLETE SETTLEMENT AUTHORITY PRESENT IN PERSON AT THE FINAL PRETRIAL UNLESS SPECIFICALLY EXCUSED BY THE COURT.** The final pre-trial will be held on the Fourth Floor of the Stark County Courthouse.

2. This matter is set for a **TRIAL** on **February 2, 2026 at 8:30 a.m.**, on a stand-by basis for the entire week. Continuances will not normally be granted.

**3. DISCOVERY AND EXPERT DEADLINES:** Pursuant to Civil Rule 26 (F), attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging a discovery planning conference. A proposed written discovery plan shall be filed with the Clerk of Courts within 14 days after the planning conference. The discovery plan shall state the parties' views and proposals on those items set forth in Civil R. 26 (F) (3) (a) though (i). Based upon conference discussions, the discovery plan shall include a proposed discovery cut-off date and expert cut-off dates, including the exchange of reports. **These dates must be set within the time frame set by the Court in this Judgment Entry and must not change the dates set by the Court without approval.**  
**The following orders apply to this matter:**

1. **The failure to appear at any pretrial conference or hearing may result in adverse judgment being entered against the party not appearing or in default judgment being rendered, wherever appropriate.**
2. **All required court cost deposits must be paid within FIVE (5) days of the date of this entry. Should complete court costs not be paid as required, the Court, without further hearing, may dismiss this matter for want of prosecution. Should costs not be paid for a jury demand, the Court will strike the jury demand. Plaintiff and defendant shall both be responsible for checking the docket and securing the payment of costs necessary for a jury demand. The fact that one party has made a jury demand does not act as a valid jury demand unless the court costs have been paid as required by this order.**
3. The Court intends to order those persons required to serve jury duty to be summoned by the Jury Commissioners no later than 1:00 p.m. the Thursday preceding the week of trial. If the matter is resolved after that time, counsel are required to notify the Court immediately or costs of summoning jurors shall be taxed as costs. **THERE SHALL BE NO SETTLEMENT NEGOTIATIONS ON THE DAY OF THE COMMENCEMENT OF TRIAL.**
4. Transcripts of video depositions to be used at trial, along with objection logs stating the reasons for each objection and citations of any relevant authority, motions in limine, proposed jury instructions, and jury interrogatories shall be filed on the day of the Final Pretrial, unless leave is granted otherwise. Copies shall be delivered to chambers. **Failure to file such will result in waiver of same. The failure to timely file transcripts of video depositions, along with objections logs as required by the order, may result in the exclusion of such deposition from trial.**
5. Proposed jury instructions and jury interrogatories shall be provided to the Court electronically by emailing same to Magistrate Lori Flowers at [lflowers@starkcountyohio.gov](mailto:lflowers@starkcountyohio.gov).
6. Counsel shall confer at least TEN (10) days prior to the scheduled Final Pretrial to determine whether they can enter into stipulations relative to the facts or issues. Any such stipulations shall be submitted in writing to the Court no later than the date of the Final Pretrial.
7. In the event that parties cannot agree to stipulations, no later than **THREE (3)** days prior to the date of the Final Pretrial, counsel shall submit a written statement setting forth that they have conferred, and they cannot agree on any stipulations.

8. **ONE (1)** copy of all exhibits proposed to be introduced at trial, along with an index of the exhibits containing a brief description of such exhibit, shall be furnished to the Court no later than **TWO (2)** working days before the scheduled trial date.
9. Counsel shall exchange copies of all exhibits and exhibit indexes no later than **TWO (2)** working days before the scheduled trial date.
10. All exhibits shall be marked before trial with official exhibit stickers. The Plaintiff shall mark exhibits with numbers and the Defendant shall mark exhibits with letters. If there are multiple parties, numbers or letters shall be used followed by the party's last name (i.e. "1-Miller," or "A-Jones"). If the Defendant has more than twenty-six (26) exhibits, double letters shall be used (i.e., AA, BB, CC, etc.).
11. Counsel shall confer and agree upon a short statement of the case to be read by the Court to the jury during jury selection. Said agreed upon statement shall be submitted to the Court at least TWO (2) working days before the scheduled trial.
12. **Counsel shall file trial briefs at least ONE (1) week prior to the scheduled trial date listed above.** Trial briefs shall include the following:
  - a) a statement of facts;
  - b) a discussion of the controlling law;
  - c) a list of proposed witnesses, along with a brief description of the subject matter of the testimony of each witness;
  - d) an index of all proposed exhibits containing a brief description of each exhibit; and
  - e) a discussion of any evidentiary issues likely to arise at trial.
13. **All Civil Rules of Procedure and all Local Rules, not modified by this order, are incorporated herein as if fully rewritten.**

**IT IS SO ORDERED.**

---

**Judge Kristin Farmer**

**C: ALL COUNSEL**

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

[PLAINTIFF(S)],	)	CASE NO. 2025CV00-----
	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	JUDGE KRISTIN G. FARMER
	)	
	)	
[DEFENDANT(S)], et al.,	)	<b>JUDGMENT ENTRY OF</b>
	)	<b>ASSIGNED DATES</b>
	)	
Defendant(s)	)	

It is herein ordered that the within matter is set for **TRIAL TO THE COURT ON May 30, 2025 at 9:00 am.** The fact that parties may be in default of answer will not prevent the Court from proceeding with the trial in this matter. The Court will proceed with a trial in this matter unless, as to all parties, an appropriate motion and entry disposing of all claims has been received by the Court at least three (3) days prior to trial. **A courtesy copy shall be emailed to the Judge's chambers at [DAVance@starkcountyohio.gov](mailto:DAVance@starkcountyohio.gov)** This does not include motions for summary judgment. Any failure to appear for trial as set herein shall result in appropriate dismissal or default of any non-appearing party.

IT IS SO ORDERED.

---

**Judge Kristin G. Farmer**

C:

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

<b>[PLAINTIFF(S)],</b>	)	CASE NO. 2025CV00-----
	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	JUDGE KRISTIN G. FARMER
	)	
	)	
<b>[DEFENDANT(S)], et al.,</b>	)	<b>JUDGMENT ENTRY OF</b>
	)	<b>DISMISSAL</b>
Defendant(s)	)	

Plaintiff having failed to complete service of process or otherwise proceed with the prosecution of this matter on or before April 25, 2025 does hereby dismiss the above case without prejudice for want of prosecution and otherwise than on the merits, subject to any refiling permitted by law.

**IT IS SO ORDERED.**

---

JUDGE KRISTIN G. FARMER

COPIES:  
All Counsel

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

<b>[PLAINTIFF(S)],</b>	)	CASE NO. 2025CV00-----
	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	JUDGE KRISTIN G. FARMER
	)	
	)	<b>ORDER</b>
<b>[DEFENDANT(S)], et al.,</b>	)	
	)	
Defendant(s)	)	

The Court hereby Orders that the Plaintiff complete service of process or otherwise proceed with the prosecution of this matter on or before **May 29, 2025**, or the Court will dismiss this action for want of prosecution.

**IT IS SO ORDERED.**

\_\_\_\_\_  
JUDGE KRISTIN G. FARMER

COPIES:  
All Counsel

# **Access to Justice and Fairness in the Courts (Ohio Code of Judicial Conduct Rule 2.3)**

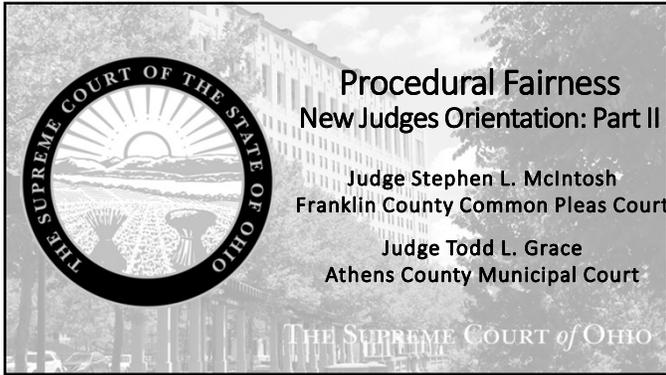
**Hon. Todd L. Grace**

*Athens County Municipal Court*

**Hon. Stephen L. McIntosh**

*Franklin County Common Pleas Court*





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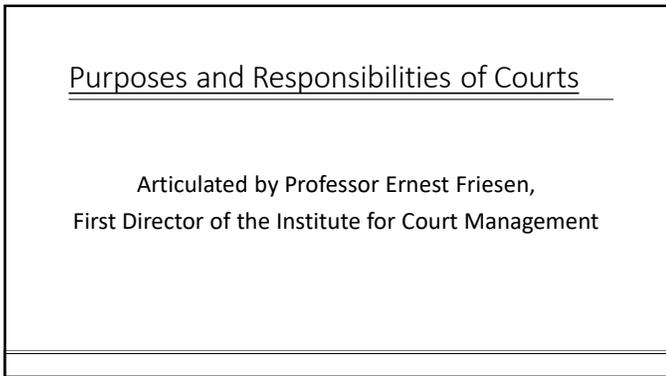
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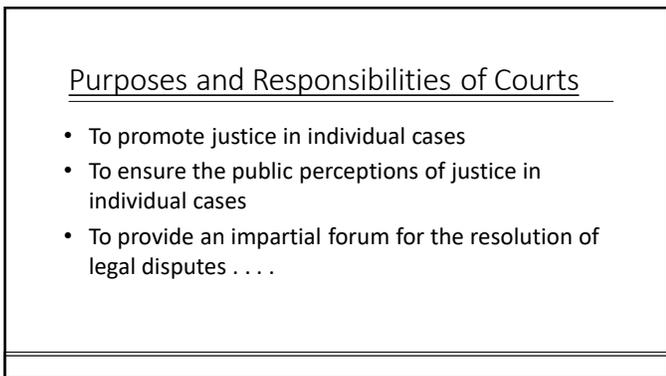
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Procedural Fairness...

1. Allows courts to operate more efficiently
2. Prevents courtroom disorder
3. Causes litigants to be more compliant to court orders
4. Can help any individual become a better judge



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**“FAIRNESS IS WHAT JUSTICE REALLY IS”**

Potter Stewart, Supreme Court Justice  
1915-1985

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What is Procedural Fairness?  
A WORKING DEFINITION

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Procedural fairness refers to the perceived fairness of court proceedings.

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Here's a mnemonic device to help you remember...

- R-Respect
- U-Understanding
- N-Neutrality
- V-Voice



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So, to break it down: Procedural Fairness is composed of:

Respect - individuals are treated with courtesy and respect, which includes respect for people's rights.

Understanding - ensuring that those subject to court action know what to expect and what is expected.

Neutrality - the consistent application of legal principles by unbiased decision makers who are transparent about how decisions are made.

Voice - the ability of litigants to participate in the process.

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While we are at it, Procedural Fairness should include a couple of other items:

Trust - Occurs when decision makers are perceived as sincere and caring, trying to do the right thing as required by the law - Trust is gained by listening to individuals and by explaining and/or providing a justification for decisions that effect the litigants' interests.

Helpfulness - Occurs when court actors are perceived as actually interested in the litigants' personal situations, to the extent the law allows.

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Procedural Fairness is not just actual fairness, it also includes the perception of fairness

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### Discussion

- What have you noticed since your time on the bench in your court that contributes to perceptions of procedural fairness?
- What have you noticed that detracts from the perception of procedural fairness?
- Have you changed anything in your court to promote procedural fairness?

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### THE LOOK

A story about bias in America.



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## Bias

RECOGNIZING AND RESPONDING TO STEREOTYPES

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BIAS is the enemy of  
procedural fairness

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Ohio Code of Judicial Conduct  
Rule 2.3  
Bias, Prejudice, and Harassment

Rule 2.3 bias, prejudice, and harassment

(A) A judge shall perform the duties of judicial office,  
including administrative duties, without bias or prejudice.

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Ohio Code of Judicial Conduct  
Rule 2.3  
Bias, Prejudice, and Harassment

RULE 2.3 CONTINUED

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

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Ohio Code of Judicial Conduct  
Rule 2.3  
Bias, Prejudice, and Harassment

Rule 2.3 comment

[1] a judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

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Bias

We are aware of some biases on a conscious level

Examples:

- Okra
- Face tattoos
- I am really clear about the fact that I have both of those biases.

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## Bias

- We may not even be aware that we harbor some biases.
- For example, we may perceive persons differently based on how they are dressed.
- A bias may run counter to a person's beliefs without realizing it.

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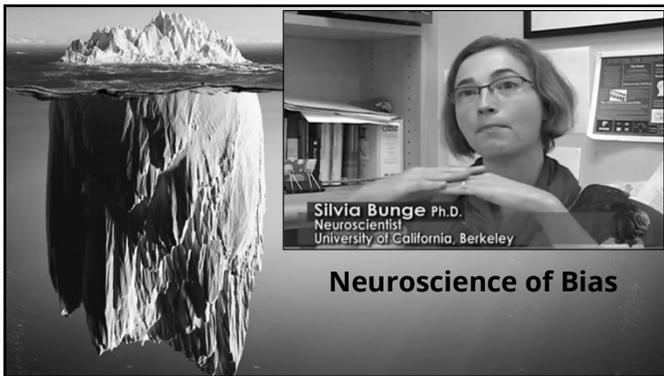
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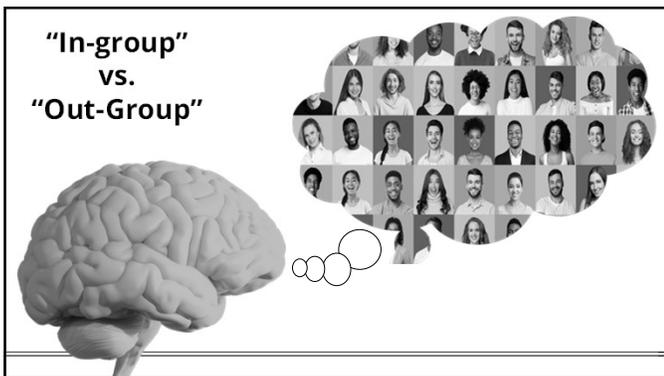
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Bias—Can be Surprising

We can believe we're favoring a group while unknowingly holding prejudices against the same group.

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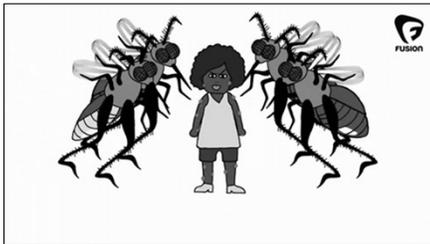
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Microaggressions

What Do Implicit Biases Look Like?



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Bias in Operation

Baggage



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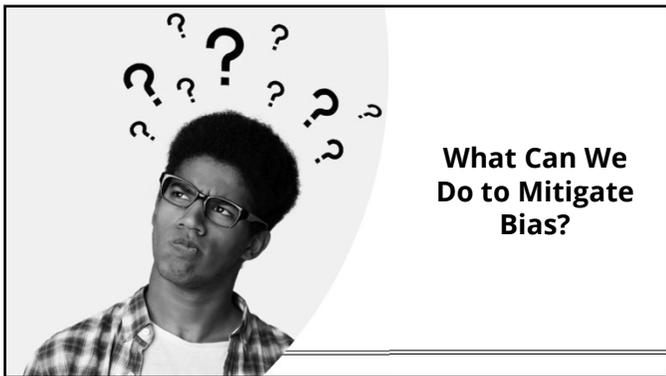
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Reexamine	Reexamine your drive to be fair
Maximize	Maximize your accountability—External "Reality Checks"
Sensitize	Sensitize yourself to your potential biases and triggers
Be	Be present in the moment—minimize distractions
Focus on	Focus on HUMANIZING everyone who comes in front of you
Socialize	Consciously socialize with folks who aren't part of your ingroup
Process	Process slower, when bias might be a factor in your decision
Confront	Confront any tendency to engage in stereotyping
Engage in	Engage in Constant vigilance

Tools for dealing with biases

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	<hr/> <p><b>Resource from the National Center for State Courts (NCSC)</b></p> <hr/> <p><a href="https://www.nccourts.gov/assets/inline-files/public-trust-12-15-15-IB_Summary_033012.pdf">https://www.nccourts.gov/assets/inline-files/public-trust-12-15-15-IB_Summary_033012.pdf</a></p>
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<p><b>Strategies and Actions – from the NCSC</b></p>	<div style="border: 1px solid gray; padding: 2px; margin-bottom: 2px;">  Seek to identify and consciously acknowledge real group and individual differences         </div> <div style="border: 1px solid gray; padding: 2px; margin-bottom: 2px;">  Routinely check thought processes and decisions for possible bias         </div> <div style="border: 1px solid gray; padding: 2px; margin-bottom: 2px;">  Identify distractions and sources of stress in the decision-making process environment and remove or reduce them         </div> <div style="border: 1px solid gray; padding: 2px; margin-bottom: 2px;">  Identify sources of ambiguity in the decision-making context and establish more concrete standards before engaging in the decision-making process         </div> <div style="border: 1px solid gray; padding: 2px; margin-bottom: 2px;">  Institute feedback mechanisms         </div> <div style="border: 1px solid gray; padding: 2px;">  Increase exposure to stigmatized group members and counter-stereotypes and reduce exposure to stereotypes         </div>
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<p>Evidence-Based Strategies from Jerry Kang, Ph.D.</p>	<p><b>Deflate</b></p> <ul style="list-style-type: none"> <li>➤ Recognize that you are fallible.</li> <li>➤ Avoid moral credentialing</li> <li>➤ Cultivate internal motivation to be fair.</li> <li>➤ Keep learning to increase awareness.</li> </ul>
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<p>Evidence-Based Strategies from Jerry Kang, Ph.D.</p>	<p><b>Debias</b></p> <ul style="list-style-type: none"> <li>➤ Change the built environment to display counter typical exemplars.</li> <li>➤ Expand social contract, and curate complexity not caricature.</li> <li>➤ Leverage your market power to feature diversity of talent.</li> </ul>
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<p>Evidence-Based Strategies from Jerry Kang, Ph.D.</p>	<p><b>Data</b></p> <ul style="list-style-type: none"> <li>➤ Count your own exercise of discretion.</li> <li>➤ Encourage institutional level counting.</li> <li>➤ Examine all red flags.</li> </ul>
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<p>Evidence-Based Strategies from Jerry Kang, Ph.D.</p>	<p><b>Defend</b></p> <ul style="list-style-type: none"> <li>➤ Check your time, calm, energy <ul style="list-style-type: none"> <li>➤ Give yourself ample time.</li> <li>➤ Return to emotional and mental baseline before making hard decisions.</li> </ul> </li> <li>➤ Deliberate carefully.</li> <li>➤ Cabin discretion. <ul style="list-style-type: none"> <li>➤ Use checklists, rubrics, and develop decision aids collaboratively.</li> </ul> </li> </ul>
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Evidence-Based Strategies from Jerry Kang, Ph.D.

### Defend, *continued*

- Counter steer.
  - Signal respect and warmth to outgroup members.
- Shift perspectives and switch categories.
  - Put yourself in the shoes of the other;
  - Switch categories counterfactually and test your judgment.
- Assemble diverse decision-making teams so that biases counter biases.

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### Bond Entry Form

IN THE COMMON PLEAS COURT OF FAIRFIELD COUNTY, OHIO

THE STATE OF OHIO, : Case No. \_\_\_\_\_  
 v. : Judge \_\_\_\_\_  
 DEFENDANT. : ORDER REGARDING BOND

This matter came before the Court on a request to modify the Defendant's bond argued before the Magistrate on \_\_\_\_\_. The following factors were addressed/considered:

<b>Current Offense:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Criminal History:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Victim-Offended	<input type="checkbox"/> Yes <input type="checkbox"/> No	Prior felony convictions	<input type="checkbox"/> Yes <input type="checkbox"/> No
Violent	<input type="checkbox"/> Yes <input type="checkbox"/> No	Prior FTAs	<input type="checkbox"/> Yes <input type="checkbox"/> No
Drugs / Alcohol Involved	<input type="checkbox"/> Yes <input type="checkbox"/> No	Active cases / warrants	<input type="checkbox"/> Yes <input type="checkbox"/> No
Recent	<input type="checkbox"/> Yes <input type="checkbox"/> No		

**Support:**

Would live with:  Confirmed  Unable to Confirm

Employed:  Yes  No

Transportation:  Yes  No

Counseling/Treatment:  Yes  No  Assessment Ordered  Assessment Completed

Objection by State:  Yes  No  Deferred to Court

**ORDER**

After reviewing these factors, the Court ORDERS the following:

Bond shall remain the same / be reinstated.

This matter shall be set for a full bond hearing, to be scheduled by separate order.

Modification of bond is taken under advisement, will be reviewed after assessment received.

Bond shall be modified as follows (any original bond terms not expressly modified remain in place):

\_\_\_\_\_, recognizance bond only; cv/10% requirement deleted.

Reduce cv/10% bond to \_\_\_\_\_, recognizance bond remains the same.

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### How To Minimize The Effects Of Bias

Reexamine your drive to be fair and accurate

- Be aware of the human tendency to incorporate bias into perception
- Work to eliminate bias from fact-finding and decision making (strive for excellence, ethical imperative, caution, etc.)




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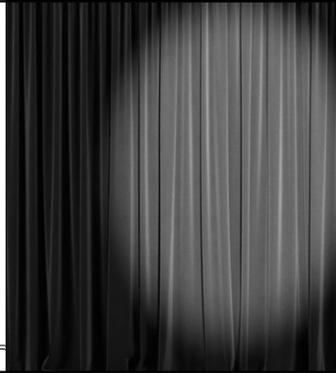
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## Blind Auditions

- Orchestras began conducting auditions behind a screen to conceal the candidates' identity from the jury.
- Today women make up a third of the Boston Symphony Orchestra and one half of the New York Philharmonic.



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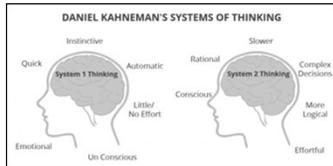
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## How To Minimize The Effects Of Bias

- Make a conscious effort/engage in an intentional thought process (think about your thinking)
- Make a conscious effort to wait until all facts are present before judging



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## How To Minimize The Effects Of Bias

Put some emphasis on these tools:

- Collegial Courtwatch/Peer Observations
- Interracial relationship building
- Social contacts across social groups

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Remember...

- **ACKNOWLEDGE** that bias is the enemy of good decision-making
  - The system works because people believe it works and that it is fair and impartial;
  - The system does not work when people do not believe that it is fair and impartial.

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Remember...

Be aware of what bias is,  
how it can manifest/appear to others,  
and that we **DEFINITELY** *have it!*  
(brain science, short cuts, survival, etc . . . )

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Remember...

Think about: what biases do you have? (e.g. loud people, certain words, bullies, entitlement, Boomers, millennials, urban/rural . . . )

**ACT** to eliminate the reality of it ***and*** the appearance of it!

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Discussion & Action Planning

Situations in which you recognized potential bias and how you handled it?

Action steps that you will take to avoid bias and ensure procedural fairness?

What can we as judges do to show people that they're being treated fairly? That we're not basing treatment on socio-economic factors, race, ethnicity, etc. . . .

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“At the end of the day,  
people won’t remember  
what you said or did.  
They will remember  
how you made them feel.”

~ Dr. Maya Angelou

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THANK YOU!

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# **Tips Regarding New Media and Traditional Media**

**Hon. Kate Huffman**

*Second District Court of Appeals*

**Daniel Trevas, Esq.**

*Judicial Systems Writer, Supreme Court of Ohio*





# Tips Regarding New Media and Traditional Media

Hon. Kate Huffman, Second District  
Court of Appeals

Daniel Trevas Esq., Judicial Systems Writer,  
Supreme Court of Ohio

THE SUPREME COURT *of* OHIO

## What Citizens Say About Courts

- While declining, trust in state courts is higher than federal courts and other branches of government.
- Strong belief courts must be fair and impartial, but half believe personal beliefs or political influence affect decisions.
- Want judges to understand pressures of everyday life; 60% say judges need to get out into community more.

- Source: National Center for State Courts -Surveys Public Perception of State Courts 2024 Poll  
<https://www.ncsc.org/consulting-and-research/areas-of-expertise/leadership-and-governance/state-of-the-state-courts>

## Public Information about Courts

- TV, Cable Dramatizations
- Traditional news media and the associated websites
- Social media
- Family, friends, co-workers
- Source: Statista -2023



This Photo by Unknown  
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## Working with Media

- Media is not the enemy.
- They are the Fourth Estate.
- Build the relationship to improve coverage and reduce story errors.
- Part of the job is civic education.



Code of Judicial Conduct Rule 1.2 Comment [6]: A judge should initiate and participate in activities for the purpose of promoting public understanding of and confidence in the administration of justice.

## Mutual Understanding

- Limits and procedures
- Public Records
- Confidentiality Statutes
- Code of Judicial Conduct
- Rules of Professional Conduct for Attorneys
  - Trial Publicity – Rule 3.6
  - Truthfulness – Rule 4.1



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## Train Your Staff

- Designate someone to take the call/email.
- Train them to consistently ask:
  - Name
  - Phone number
  - Email
  - What do they need? Get specific.
  - What is their deadline?
- “Let me find out and get back to you.”
- Consider who delivers the response. And how (email it).
- Never miss a deadline promise.

## Media Best Practices

- Cardinal Rule – Never lie.
- Don't guess.
- Keep it Simple – Cut the legalese!
- Authenticity – Be yourself.
- Don't feel committed to the question.
- Preparation – Three things in your pocket.



## Helpful tips

- Repeat, repeat, repeat Don't be afraid to say it again.
- You may not be the best source. Refer to others.
- Email/Text becomes a public record.
- Double check  
Take the time to verify.



## Sticky Situations Occur

- Get comfortable with awkward  
Being interviewed not always smooth
- Off the record/on background – USE CAUTION
- No standard definition – get clarification
- Strongly consider always being On The Record



## Television & Radio

- Don't bring notes
- Speak in natural voice
- Avoid unnecessary movements and gestures
- When interviewed, look, listen and speak to person talking to you. Try not to interrupt
- "Anything to add?" – Opportunity to make your key point!



## Social media



- Social media now dominates crisis and breaking news
- Note, much of news on media generated from traditional sources – just being repeated
- Caution - Social media practitioners less concerned with traditional rules and ethics of journalism – doesn't mean they don't know them
- Much less editing, much less accuracy

## Use of Social Media



- Use **deliberately** with caution.
- You can lose control your own message.
- Smaller but intense audiences.
- You can promote non-case information that media might not share an interest in - like achievements of staff.

# Thank You!

Dan Trevas, PIO Judicial Systems Writer  
dan.trevas@sc.ohio.gov or 614.387.9257

Hon. Kate Huffman,  
Second District Court of Appeals



# **Substance Use, Mental Health, and the Courts**

**Hon. Joyce Campbell, Retired**  
*Fairfield Municipal Court*

**Hon. John M. Durkin**  
*Mahoning County Common Pleas Court*

**Krisanna Deppen, MD**  
*Program Director, Grant Medical Center Addiction  
Medicine Fellowship at OhioHealth*



# Substance Use, Mental Health and the Courts

Judge Joyce Campbell  
Judge Jack Durkin  
Dr. Krisanna Deppen  
May 13, 2025

## SUBSTANCE USE DISORDER AND MENTAL HEALTH

- 48 million Americans (aged 12 and older) had a SUD in the past year. (17%)
- 20.4 million American adults suffered from both a mental health disorder and a SUD in the past year. (7.9%)
- 54.2 million Americans (aged 12 and older) needed substance use treatment in the past year.
- Less than 4% received any treatment.

\*Results from the 2023 National Survey on Drug Use and Health (SAMSHA).

## THE PURSUIT OF JUSTICE

“The pursuit of justice...encourages each of us to ask new questions, to place, in a new light, old problems.”

“...to use our wisdom more than our authority.”

Chief Justice Thomas P. Moyer  
State of the Judiciary, OJC Annual Conference,  
September 6, 2007

## NOT SUBJECT TO AN APPEAL

The question is this – are we using our wisdom rather than our authority in cases where the stakes are life and death, but not typically an issue raised on appeal.

These cases are on our dockets every day, no matter our jurisdiction. Individuals who suffer from a SUD and/or a mental health diagnosis.

## WHAT IS JUSTICE, AND HOW CAN WE ACHIEVE IT?

- Because SUD and mental health issues are so prevalent...
- In order to attempt to achieve justice (however we define it), we must have a basic understanding of substance-use disorder.

## Addiction & Medications for Opioid Use Disorder (OUD)

Krisanna Deppen, MD

# What is Addiction?

Addiction is a **treatable, chronic medical disease** involving complex interactions among brain circuits, genetics, the environment, and an individual's life experiences. People with addiction use substances or engage in behaviors that become compulsive and often continue despite harmful consequences.

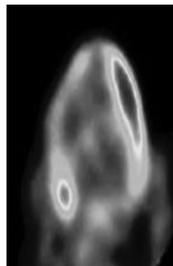
~American Society of Addiction Medicine

## Addiction is a Chronic Disease

Decreased Heart Metabolism in  
Coronary Artery Disease



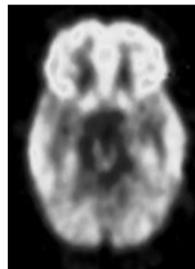
Healthy Heart



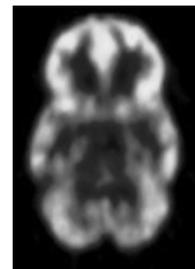
Diseased Heart



Decreased Brain Metabolism in  
Substance Use Disorder



Healthy Brain



## “Why don’t they just get help?”

- Estimated 23 million in US have SUD
- Only 10% receive treatment
- SUD is the MOST stigmatized medical condition
  - 18 countries
  - Illicit drug use (#1), Alcohol use (#4)

Room, R. (2005). Stigma, social inequality and alcohol and drug use. *Drug and Alcohol Review.*

## Relapse Rates: Similar for Drug Addiction And Other Chronic Illnesses

Percentage of patients whose symptoms reoccur



Source: "Drug dependence, a chronic medical illness: implications for treatment, insurance and outcomes evaluation," *Journal of the American Medical Association*, 2000.

**“Words are important. If you want to care for something, you call it a ‘flower’; if you want to kill something, you call it a ‘weed’.”**

**~Don Coyhis**

 <b>NON-STIGMATIZING LANGUAGE</b>	<b>STIGMATIZING LANGUAGE</b>
<ul style="list-style-type: none"> <li>• Person with a substance use disorder</li> </ul>	<ul style="list-style-type: none"> <li>• Substance abuser or drug abuser</li> <li>• Alcoholic</li> <li>• Addict</li> <li>• User</li> <li>• Abuser</li> <li>• Drunk</li> <li>• Junkie</li> </ul>
<ul style="list-style-type: none"> <li>• Babies born with an opioid dependency</li> </ul>	<ul style="list-style-type: none"> <li>• Addicted babies/Born addicted</li> </ul>
<ul style="list-style-type: none"> <li>• Substance use disorder or addiction</li> <li>• Use, misuse</li> <li>• Risky, unhealthy, or heavy use</li> </ul>	<ul style="list-style-type: none"> <li>• Drug habit</li> <li>• Abuse</li> <li>• Problem</li> </ul>
<ul style="list-style-type: none"> <li>• Person in recovery</li> <li>• Abstinent</li> <li>• Not drinking or taking drugs</li> </ul>	<ul style="list-style-type: none"> <li>• Clean</li> </ul>
<ul style="list-style-type: none"> <li>• Treatment or medication for addiction</li> <li>• Medication for Opioid Use Disorder/Alcohol Use Disorder</li> <li>• Positive, negative (toxicology screen results)</li> </ul>	<ul style="list-style-type: none"> <li>• Substitution or replacement therapy</li> <li>• Medication-Assisted Treatment</li> <li>• Clean, dirty</li> </ul>

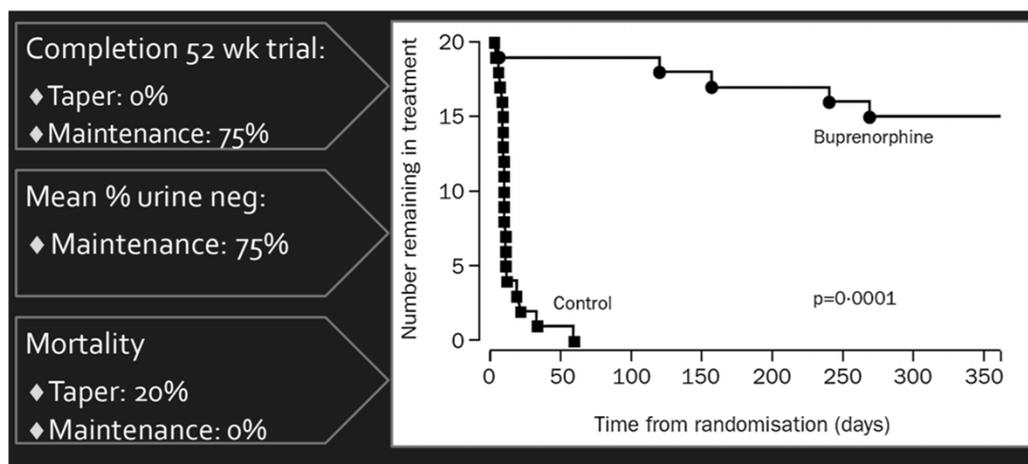
# Opioid Use Disorder

## Diagnostic Criteria

**TABLE 1 Summarized DSM-5 diagnostic categories and criteria for opioid use disorder**

Category	Criteria
Impaired control	<ul style="list-style-type: none"> <li>• Opioids used in larger amounts or for longer than intended</li> <li>• Unsuccessful efforts or desire to cut back or control opioid use</li> <li>• Excessive amount of time spent obtaining, using, or recovering from opioids</li> <li>• Craving to use opioids</li> </ul>
Social impairment	<ul style="list-style-type: none"> <li>• Failure to fulfill major role obligations at work, school, or home as a result of recurrent opioid use</li> <li>• Persistent or recurrent social or interpersonal problems that are exacerbated by opioids or continued use of opioids despite these problems</li> <li>• Reduced or given up important social, occupational, or recreational activities because of opioid use</li> </ul>
Risky use	<ul style="list-style-type: none"> <li>• Opioid use in physically hazardous situations</li> <li>• Continued opioid use despite knowledge of persistent physical or psychological problem that is likely caused by opioid use</li> </ul>
Pharmacological properties	<ul style="list-style-type: none"> <li>• Tolerance as demonstrated by increased amounts of opioids needed to achieve desired effect; diminished effect with continued use of the same amount</li> <li>• Withdrawal as demonstrated by symptoms of opioid withdrawal syndrome; opioids taken to relieve or avoid withdrawal</li> </ul>

## Why medications?



## Medications for Opioid Use Disorder

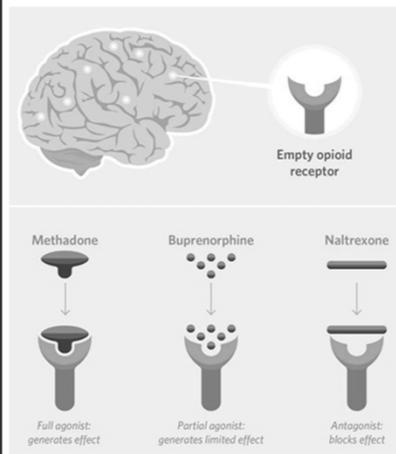
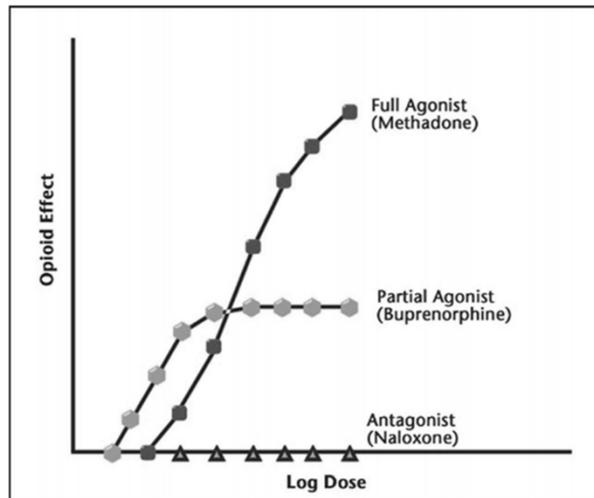
### Goals:

- Alleviate physical withdrawal and craving
- Opioid blockade (blunt the euphoric effect of other opioids)
- Reduce or eliminate risky substance use
- Normalize brain physiology

### Options:

- Methadone (full opioid agonist)
- Buprenorphine (partial opioid agonist)
- Naltrexone (opioid antagonist)

## How Medications for OUD Work



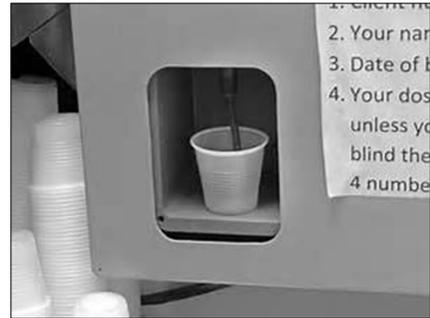
## Medications for Opioid Use Disorder: Methadone

### How it works:

- Fully activates opioid receptor
- Very long-acting
- Once daily dosing for addiction

### Who can prescribe for treatment of addiction?

- Only designated Opioid Treatment Programs (OTP)



## Medications for Opioid Use Disorder: Buprenorphine

### How it works

- Partially activates opioid receptor
- High receptor affinity
- Formulated with naloxone - abuse deterrent
- Sublingual tablets, films and injectables



### Who can prescribe

- 2000: DATA-waiver (DEA-X) – requires 8-hour training course (physicians only)
- 2017: NPs and PAs who have taken 24 hours of approved training
- 2021: All physicians can get waiver (without 8-hour training) to treat up to 30 patients
- **2023: No more waiver! All can prescribe**



## Medications for Opioid Use Disorder: Naltrexone

### **How it works**

- Opioid receptor blocker
- Causes acute withdrawal in opioid-dependent patients
- Two formulations available:
  - Oral 50 mg PO daily—not as effective
  - Extended-release injectable (Vivitrol) 380 mg IM monthly

### **Who can prescribe**

- Any prescriber
- Insurance coverage for injectable may vary
- Special injection technique

Medication Assisted Treatment and  
the American with Disabilities Act  
Judge Durkin

## JUSTICE SYSTEM AND PUBLIC HEALTH

- MAT/MOUD – Medication Assisted Treatment
- ADA – The Americans With Disability Act
- Share a common goal – Rehabilitation and Treatment
- Promotes Recovery

## MEDICATION ASSISTED TREATMENT

- Medication assisted treatment (MAT) is the use of medications, in combination with counseling and behavioral therapies, to treat and address opioid use disorders.
- MOUD (Medication for opioid use disorder) is the standard of care for an individual who has been diagnosed with an opioid use disorder.

## MEDICATION ASSISTED TREATMENT

- What legal remedies are available when MOUD is prohibited or unduly restricted?
  - 1. State Disability Laws
  - 2. Federal statutes: The Americans With Disabilities Act
  - 3. Seek Constitutional protection under the Due Process Clause and violations under the 8<sup>th</sup> Amendment – Cruel and Unusual Punishment.

## THE AMERICAN DISABILITY ACT

- Title II prohibits discrimination by state and local governments
- To prevail on a claim for discrimination, an individual must prove that he or she:
  - 1. Has a “disability”;
  - 2. Is otherwise qualified to participate or receive the public entity’s benefits, including services and programs;
  - 3. Was either excluded from participation or denied the benefits or services because of the disability;
  - 4. By a public entity. (THIS INCLUDES THE COURTS)

## DEFINITION OF DISABILITY, Sec. 35.108

- (a)(1) Disability means, with respect to an individual:
  - (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - (ii) A record of such an impairment; or
  - (iii) Being regarded as having such an impairment.
- Title II Regulations, Part 35, Definition of Disability
  - (b)(1)(2) Physical or mental impairment includes...drug addiction and alcoholism
  - 35.131(a)(1) “Otherwise Qualified”. A person currently using illegal drugs IS NOT protected under the ADA.

## SUD IS A DISABILITY UNDER THE ADA

- It is well-established that drug addiction (SUD) constitutes an impairment under the ADA.
- SUD is a disability under the ADA.
- In claims under the ADA, defendants generally “stipulate” that plaintiffs with a history of opioid use disorders are “individuals with a disability” under the ADA.

## CLAIMS OF DISABILITY DISCRIMINATION UNDER THE ADA

- Disparate treatment - That the disability actually motivated the defendant's adverse conduct.
- Reasonable accommodation – ADA requires governmental agencies to make reasonable accommodations to avoid discrimination unless such change would fundamentally alter the nature of the services provided.
- Disparate Impact – Title II prohibits eligibility requirements that “screen out or tend to screen out” individuals with a disability....

## U.S. V. THE UNIFIED TRIAL COURTS OF PENNSYLVANIA

- The Department of Justice filed a complaint alleging that the Pennsylvania trial courts unlawfully discriminated against individuals with an OUD in its court supervision programs, in violation of Title II of the ADA, by prohibiting or otherwise limiting the use of medication prescribed to treat their disability.

## ALLEGATIONS OF DISCRIMINATION...

- Pennsylvania Treatment Courts imposed eligibility criteria that screened out or tends to screen out people with an OUD and/or those with prescriptions for MOUD.
- Administrative order that a participant be “completely clean” within 30 days of sentencing into a treatment court.
- Requirement that people taper off MAT before graduation.

## SETTLEMENT AGREEMENT

- A settlement agreement was reached on January 31, 2024, requiring that:
  1. Defendants (Pennsylvania courts) will comply with the requirements of Title II of the ADA ensuring that individuals with a SUD have equal opportunities to benefit from the defendant’s programs.
  2. Absent an individualized determination, NO JUDGE may prohibit an individuals use of prescribed medication to treat a SUD.
  3. NO JUDGE will interfere with a licensed prescriber’s medication and treatment regimen.
  4. NO JUDGE will express a preference or order the use of one drug v. another.
  5. Pennsylvania courts will pay \$100,000 to victims.
  6. Encourage all courts to adopt new policies and training procedures.

## CASES FROM OHIO

- State v. Porter, Ct. of Appeals, Ohio, Sept. 29, 2017. The judge in Porter stated that, “I’m going to give you a piece of advice when you come back for sentencing. You’re not going to be on methadone. That’s a forbidden drug in this court. So you better do everything you’ve got to do to get off it. When you come back here for sentencing, if you test positive for it, you’re going to be going to prison, is that clear?”
- State v. Alex Rood...
- REMEMBER – The use of MOUD to treat an OUD is the standard of care.

## ADDITIONAL REMEDIES

- Defendant had a blanket policy denying the use of methadone in their jail
- Plaintiff was having success in his recovery utilizing methadone, which was prescribed by a licensed physician.
- The plaintiff was ordered to serve a minimum 60-day jail sentence for a PV.
- The plaintiff's doctor indicated that the methadone was medically necessary and that failure to provide it would cause severe and needless suffering.
- Plaintiff filed a preliminary injunction raising two claims – ADA and 8<sup>th</sup> Amdt.
- Plaintiff succeeded on the ADA claim.
- In addition, the Court held that the plaintiff was also likely to prevail on his 8<sup>th</sup> Amdt. Claim. (Pesce v. Coppinger, 355 F. Supp.3d 35 (2018)).

# Screening & Assessment for Substance Use Disorders

Krisanna Deppen, MD

## Screening for Substance Use Disorder (SUD)

- Goal
  - Determine the presence of substance use and identify the need for a further clinical SUD assessment
- Gather information from a variety of sources
  - Signs & symptoms
  - Corroborating reports
  - Urine drug testing (careful here)
  - Validated screening tools

## Validated Screening Tools

- Can be incorporated into workflow
  - Medical care (office, hospital admissions, etc.)
  - Child welfare
  - Correctional facilities
- Multiple tools available
  - Self-administered vs interview
  - Short vs long
  - Alcohol vs all substances

## Screening Example 1

- AUDIT
  - Self-administered
  - Alcohol focused
  - 10 questions

Patient name: \_\_\_\_\_  
Date of birth: \_\_\_\_\_

**Alcohol screening questionnaire (AUDIT)**  
Drinking alcohol can affect your health and some medications you may take. Please help us provide you with the best medical care by answering the questions below.

One drink equals:  12 oz. beer     5 oz. wine     1.5 oz. liquor (one shot)

1. How often do you have a drink containing alcohol?	Never	Monthly or less	2-4 times a month	2-3 times a week	4 or more times a week
2. How many drinks containing alcohol do you have on a typical day when you are drinking?	0-2	3 or 4	5 or 6	7-9	10 or more
3. How often do you have five or more drinks on one occasion?	Never	Less than monthly	Monthly	Weekly	Daily or almost daily
4. How often during the last year have you found that you were not able to stop drinking once you had started?	Never	Less than monthly	Monthly	Weekly	Daily or almost daily
5. How often during the last year have you failed to do what was normally expected of you because of drinking?	Never	Less than monthly	Monthly	Weekly	Daily or almost daily
6. How often during the last year have you needed a first drink in the morning to get yourself going after a heavy drinking session?	Never	Less than monthly	Monthly	Weekly	Daily or almost daily
7. How often during the last year have you had a feeling of guilt or remorse after drinking?	Never	Less than monthly	Monthly	Weekly	Daily or almost daily
8. How often during the last year have you been unable to remember what happened the night before because of your drinking?	Never	Less than monthly	Monthly	Weekly	Daily or almost daily
9. Have you or someone else been injured because of your drinking?	No		Yes, but not in the last year		Yes, in the last year
10. Has a relative, friend, doctor, or other health care worker been concerned about your drinking or suggested you cut down?	No		Yes, but not in the last year		Yes, in the last year

Have you ever been in treatment for an alcohol problem?     Never     Currently     In the past

I    II    III    IV  
0-3    4-9    10-15    16+

## Screening Example 2

- UNCOPE
  - Brief
  - Drug and alcohol focused

### The UNCOPE

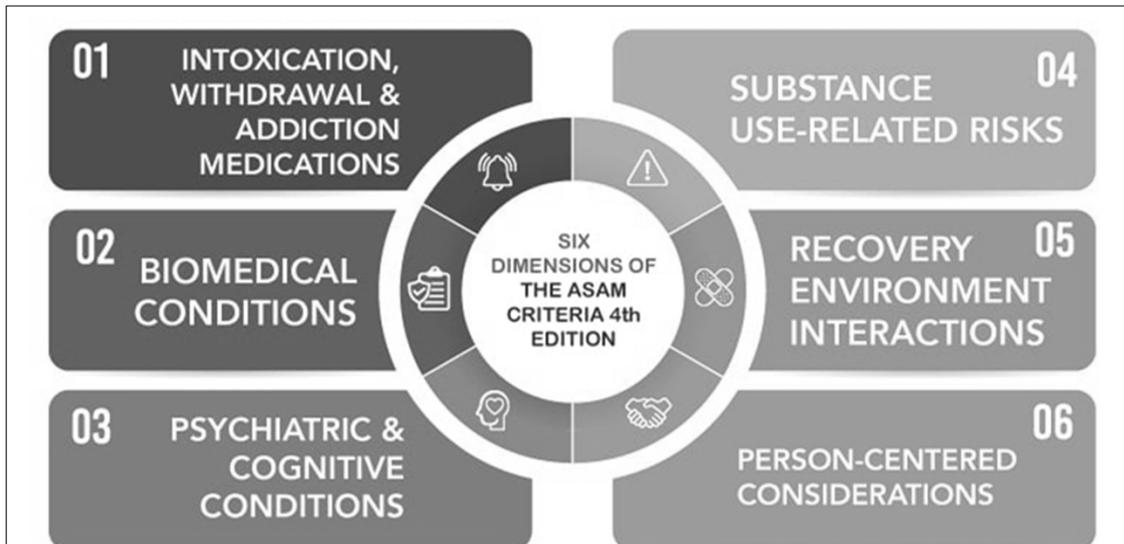
- U – Have you continued to use alcohol or drugs longer than you intended?
- N – Have you ever neglected some of your usual responsibilities because of alcohol or drug use?
- C – Have you ever wanted to cut down or stop using alcohol or drugs but couldn't?
- O – Has your family, a friend or anyone else ever told you they objected to your alcohol or drug use?
- P – Have you ever found yourself preoccupied with wanted to use alcohol or drugs?
- E – Have you ever used alcohol or drugs to relieve emotional discomfort, such as sadness, anger or boredom?

Scoring: Two or more positive responses indicate possible abuse or dependence and need for further assessment

## Urine Drug Testing

- What drug testing tells us
  - Recent drug use
- What drug testing doesn't tell us
  - Patterns of use
  - Whether patient has substance use disorder/addiction
  - Risk of withdrawal
  - Ability to parent

## What to Expect in an SUD Assessment



## Patient Assessment



**Who can do a patient assessment?**

Credentialed counselor or clinician, certified addiction registered nurse, psychologist or physician



**How should the court use an assessment?**

Final answer (refer to Judge Durkin ©)  
Assessment can guide placement for addiction treatment. Could be utilized to advocate for the right level of care for patients in court system.

How to incorporate the  
SUD assessment in court  
setting

Judge Durkin



Krisanna Deppen, MD

[Krisanna.Deppen@ohiohealth.com](mailto:Krisanna.Deppen@ohiohealth.com)

Judge Durkin

[jdurkin@mahoningcountyoh.gov](mailto:jdurkin@mahoningcountyoh.gov)

(330) 740-2168

# Evidence

**Hon. D. Chris Cook**

*Lorain County Common Pleas Court*

**Hon. Joy Malek Oldfield**

*Summit County Common Pleas Court*



# EVIDENCE & TRIAL ISSUES

## COOKIN WITH JOY *REDUX*

### NEW JUDGES ORIENTATION: PART II

SUPREME COURT *of* OHIO  
JUDICIAL COLLEGE

Judge D. Chris Cook  
Lorain County Court of Common Pleas  
PH: (440) 329-5416  
[judgcook@loraincommonpleas.us](mailto:judgcook@loraincommonpleas.us)

Judge Joy Malek Oldfield  
Summit County Court of Common Pleas  
PH: (330) 643-8301  
[joldfield@epcourt.summitoh.net](mailto:joldfield@epcourt.summitoh.net)

## HYPO #1

### THE RIGHT TO THE APPOINTMENT OF COUNSEL POST-GUILTY PLEA

DEFENDANT DON PLEAD GUILTY AND WAS JUST SENTENCED BY YOU TO FOUR-YEARS IN PRISON. HE IS SURPRISED AND UPSET AS HE BELIEVED HE WOULD GET CCS w/CBCF. AT THE CONCLUSION OF THE SENTENCING HEARING, HE ASKS YOU TO APPOINT COUNSEL SO HE CAN APPEAL.

DO YOU?

DOES HE HAVE A RIGHT TO THE APPOINTMENT OF APPELLATE COUNSEL?

DOES IT MATTER IF HIS SENTENCE WAS JOINTLY RECOMMENDED?

WHAT IF DON ASKS FOR THE APPOINTMENT SIX-MONTHS INTO HIS SENTENCE?

## DISCUSSION

FIRST QUESTION – DO YOU APPOINT APPELLATE COUNSEL FOR DON IMMEDIATELY AFTER HIS GUILTY PLEA AND SENTENCE JUST BECAUSE HE ASKED YOU TO AND BECAUSE HE DOES NOT LIKE HIS SENTENCE?

TOTALLY YOUR CALL. MOST JUDGES SAY “YES” TO THIS QUESTION AND APPOINT COUNSEL.

IF YOU DO, WHY?

IF YOU DO NOT, WHY?

## DISCUSSION

REGARDLESS OF YOUR ANSWER, THE REAL QUESTION IS: “DOES HE HAVE A *RIGHT* TO THE APPOINTMENT OF APPELLATE COUNSEL?”

DEPENDS!

I KNOW, THAT IS A TERRIBLE ANSWER, SO HOW DO WE KNOW?

LET’S START HERE:

A valid guilty plea by a counseled defendant, however, generally waives the right to appeal all prior non-jurisdictional defects, including the denial of a motion to suppress. \* \* \*

*State v. Beasley*, 2018-Ohio-16, @ ¶ 15.

## DISCUSSION

MORE STARTING-POINT CASE LAW:

"Therefore, a defendant who, like Fitzpatrick, voluntarily, knowingly, and intelligently enters a guilty plea with the assistance of counsel "may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." \* \* \* (valid guilty plea by counseled defendant waives all non-jurisdictional defects in prior stages of the proceedings."

State v. *Fitzpatrick*, 2004-Ohio-3167, at ¶ 78.

AND

"A guilty plea is a complete admission of guilt under Crim. R. 11(B)(1), and a defendant who \* \* \* voluntarily, knowingly, and intelligently enters a plea of guilty with the assistance of counsel 'may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.' "

*Id.*, quoting *Tollett v. Henderson*, 411 U.S. 258 (1973)

## DISCUSSION

CONVICTIONS RESULTING FROM TRIAL

Let's look at Crim. R. 32(B) – Sentence; Notification of Right to Appeal. It reads,

(B) Notification of right to appeal.

(1) After imposing sentence in a serious offense that has gone to trial, the court shall advise the defendant that the defendant has a right to appeal the conviction.

(3) If a right to appeal or a right *to seek leave* to appeal applies under division (B)(1) or (B)(2) of this rule, the court also shall advise the defendant of all of the following:

(a) That if the defendant is unable to pay the cost of an appeal, the defendant has the right to appeal without payment;

(b) That if the defendant is unable to obtain counsel for an appeal, counsel will be appointed without cost;

## DISCUSSION

Crim. R. 44(A) - Assignment of Counsel is also instructive.

Counsel in serious offenses. Where a defendant charged with a serious offense is unable to obtain counsel, counsel shall be assigned to represent the defendant at every stage of the proceedings from their initial appearance before a court through appeal as of right, unless the defendant, after being fully advised of their right to assigned counsel, knowingly, intelligently, and voluntarily waives their right to counsel.

Well then, there you go. Except wait a sec, when does an "appeal as of right" arise, if ever, other than for a conviction after trial?

That all makes sense, but it still doesn't really help us get to the answer. After all, what if a defendant who pleads guilty has an "appeal as of right?" It would seem in such a circumstance that he *would* have the right to the appointment of appellate counsel at the state's expense.

## DISCUSSION

The Revised Code sheds light on this issue.

R.C. 2953.08 – Appeal as Matter of Right; Grounds

In addition to any other right to appeal and except as provided in division (D) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the defendant on one of the following grounds:

Max sentence;

Prison term for 4<sup>th</sup> or 5<sup>th</sup> degree felony;

Person plead guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense and was adjudicated a sexually violent predator in relation to that offense, and was sentenced pursuant to R. C. 2971.03(A)(3);

Sentence is contrary to law;

Court imposes full 10-years on RVO Spec.

## DISCUSSION

C)(1) Consecutive sentences imposed pursuant to R.C. 2929.14(C)(3) that exceed the maximum definite prison term allowed by division (A) of that section for the most serious offense. (Robbery or Theft of F/A or FTC)

C)(2) A defendant may seek leave to appeal an additional sentence imposed pursuant to R.C. 2929.14(B)(2)(a) or (b) if the additional sentence is for a definite prison term that is longer than five years. (The RVO Spec)

WHAT ABOUT A JOINTLY RECOMMENDED SENTENCE?

(D)(1) A sentence imposed upon a defendant is not subject to review under this section if the sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge.

## DISCUSSION

FINALLY, WHAT IF DON ASKS YOU TO APPOINT APPELLATE COUNSEL SIX-MONTHS INTO HIS PRISON SENTENCE FOR:

JUDICIAL RELEASE or POST-CONVICTION RELIEF or JAIL TIME CREDIT

"We have never held that prisoners have a constitutional right to counsel when mounting collateral attacks upon their convictions and we decline to so hold today. Our cases establish that the right to appointed counsel extends to the first appeal of right, and no further."

*Lopez v. Wilson*, 420 F. 3d 339, 357-353 (6<sup>th</sup> Cir., 2005).

The United States Supreme Court and Ohio Supreme Court have also said as much:

"We agree with the court of appeals that an indigent petitioner has neither a state nor a federal constitutional right to be represented by an attorney in a postconviction proceeding.

*Pennsylvania v. Finley*, 481 U.S. 551, (1987); *State v. Crowder*, 60 Ohio St. 3d 151, 152, (1991); *State v. Craig*, 2010-Ohio-1169, ¶ 9 (9<sup>th</sup> Dist.).

## DISCUSSION

"The right to appointed counsel extends to only the first appeal of right, and since a defendant has no federal constitutional right to counsel when pursuing a discretionary appeal on direct review of his conviction, \* \* \* he has no such right when attacking, in post-conviction proceedings, a conviction that has become final upon exhaustion of the appellate process.

*State v. Scudder*, 131 Ohio App. 3d 470, 472-473 (10<sup>th</sup> Dist., 1998).

"Thus, regardless of the trial court's reference to its jurisdiction to consider the request, we find the trial court did not err in denying Reid's motion for the appointment of counsel to represent him during the judicial release proceedings. There is simply no language in the Federal or Ohio Constitution to suggest Reid was entitled to court appointed representation at this stage."

*State v. Reid*, 106944, 2019-Ohio-531, ¶ 18 (8<sup>th</sup> Dist.).

## HYPOTHESIS #2

THE *HOWARD* CHARGE AND *MARTIN* CHARGE: WHAT'S THE DIFFERENCE AND WHEN DO YOU USE THEM

YOU HAVE JUST RECEIVED A WRITTEN NOTE FROM THE JURY THAT THEY ARE DEADLOCKED AND CANNOT AGREE ON ANY OF THE FOUR CHARGES.

WHAT DO YOU DO?

## DISCUSSION

In *State v. Howard*, 42 Ohio St. 3d 18 (1989), the Ohio Supreme Court approved a supplemental charge to be given to juries deadlocked on the question of conviction or acquittal.

OJI 429.09(2) "Verdict Possible" is the *Howard* charge.

It basically informs the jury that they should continue to work towards getting to verdicts, if possible. After reading the charge on the record, send them back to the jury room to continue deliberations.

## DISCUSSION

IF AFTER FURTHER DELIBERATIONS, THE FOREPERSON AGAIN ADVISES THAT THEY ARE DEADLOCKED, YOU NOW GO TO THE *MARTIN* CHARGE.

OJI 429.02(3) "VERDICT IMPOSSIBLE"

AFTER READING THIS CHARGE ON THE RECORD, YOU AGAIN SEND THEM BACK TO DELIBERATE, BUT THIS TIME, WITH INSTRUCTIONS THAT THE FOREPERSON POLE THE JURY TO DETERMINE WHETHER FURTHER DELIBERATIONS WOULD BE PRODUCTIVE. IF SO, THEY CAN CONTINUE. IF NOT, DECLARE A MISTRIAL.

SEE: *State v. Pickney*, 2017-Ohio-2836, ¶ 10-11 (9<sup>th</sup> Dist.) for a good discussion on this issue and the two charges.

## DISCUSSION

IF AFTER FURTHER DELIBERATIONS, THE FOREPERSON AGAIN ADVISES THAT THEY ARE DEADLOCKED, YOU NOW GO TO THE *MARTIN* CHARGE.

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SEE: *State v. Pickney*, 2017-Ohio-2836, ¶ 10-11 (9<sup>th</sup> Dist.) for a good discussion on this issue and the two charges.

## HYPOTHESIS #3

SELF-REPRESENTATION AND STANDBY COUNSEL: WHEN TO APPOINT STANDBY COUNSEL, SCOPE, AND WHAT DO YOU TELL THE JURY

YOU HAVE JUST COMPLETED A THOROUGH *FARETTA* HEARING AFTER THE DEFENDANT ADVISED THAT SHE WANTED TO SELF-REPRESENT. YOU SUGGEST THE APPOINTMENT OF STANDBY COUNSEL, WHICH SHE DECLINES.

WHAT DO YOU DO?

IF YOU APPOINT STANDBY COUNSEL, WHAT IS THE SCOPE OF THAT REPRESENTATION?

WHAT DO YOU TELL THE JURY?

## DISCUSSION

SO, YOUR DEFENDANT DOES NOT WANT YOU TO APPOINT SBC, DO YOU?

YES!!

MAKE IT CLEAR TO THE DEFENDANT THAT SHE DOES NOT HAVE TO USE, CONSULT, OR EVEN ACKNOWLEDGE HER SBC, BUT THAT IF SHE EVER DOES WANT HIS HELP, NEED ADVICE, OR WANT HIM TO TAKE OVER, HE WILL BE THERE FOR HER.

"This court also has held that after a defendant validly waives the right to counsel, a trial court is permitted to appoint standby counsel to assist the otherwise pro se defendant."

*State v. Hackett*, 2020-Ohio-6699, ¶ 9.

## DISCUSSION

OK, YOU NOW HAVE STANDBY COUNSEL ON BOARD. WHAT IS THE SCOPE AND/OR DUTIES OF SBC

"But we have cautioned that when a court appoints standby counsel, there are limits on how actively standby counsel can be involved \* \* \* Instances where standby counsel is overly involved [creates] hybrid representation \* \* \* and may violate a defendant's right to self-representation."

*Hackett*, at ¶ 10.

TAKE AWAY: On the record, discuss what standby counsel can and cannot do so there is clarity for both the defendant and standby counsel. SBC can sit with the defendant, advise the defendant, help with subpoenas and rules of evidence and procedure, and do research. SBC cannot address the court or jury or "co-counsel" the case. Also, if the defendant wants to switch to SBC at any time, that is it. SBC takes over and no going back.

"We encourage trial courts to clearly define and explain standby counsel's role."  
*Hackett*, at ¶ 19.

## DISCUSSION

FINALLY, WHAT DO YOU TELL THE JURY ABOUT THAT PERSON "HANGING AROUND" (SBC) AND OCCASIONALLY TALKING TO THE DEFENDANT

"When standby counsel is appointed, we encourage trial courts, as a matter of best practice, to explicitly define the role standby counsel will be playing in the proceedings and to ensure that the defendant understands this role."

*Hackett*, at ¶ 20.

NOTE: *Hackett* does not specifically address what the trial court should tell the jury about SBC, but I also discuss it with them prior to *voir dire* so it makes sense to them what is going on. I also give OJI charge 401.03(1) "Self Representation" & 401.03(2) "Standby Counsel."

KEEP IN MIND, NO "RIGHT" TO STANDBY COUNSEL, IT IS TOTALLY YOUR DECISION, WHETHER THE DEFENDANT'S WANT SBC OR NOT.

*Hackett*, at ¶ 13.

## DISCUSSION

OK, YOU NOW HAVE STANDBY COUNSEL ON BOARD. WHAT IS THE SCOPE AND/OR DUTIES OF SBC

"But we have cautioned that when a court appoints standby counsel, there are limits on how actively standby counsel can be involved \* \* \* Instances where standby counsel is overly involved [creates] hybrid representation \* \* \* and may violate a defendant's right to self-representation."

*Hackett*, at ¶ 10.

TAKE AWAY: On the record, discuss what standby counsel can and cannot do so there is clarity for both the defendant and standby counsel. SBC can sit with the defendant, advise the defendant, help with subpoenas and rules of evidence and procedure, and do research. SBC cannot address the court or jury or "co-counsel" the case. Also, if the defendant wants to switch to SBC at any time, that is it. SBC takes over and no going back.

"We encourage trial courts to clearly define and explain standby counsel's role."

*Hackett*, at ¶ 19.

## HYPOTHESIS #4

WHAT IS THE PROPER EVIDENTIARY STANDARD TO ALLOW PUNITIVE DAMAGES TO GO TO THE JURY?

KESTER SAMPLES DIED IN A NURSING HOME. THE JURY FOUND THE NURSING HOME NEGLIGENT AND AWARDED \$250K IN DAMAGES.

THE ESTATE NOW SEEKS PUNITIVE DAMAGES IN A BIFURCATED TRIAL.

THERE IS EVIDENCE THAT THE NURSING HOME FAILED TO IDENTIFY THE SAME PRESSURE INJURY TWICE, FAILED TO PROVIDE A WOUND VAC ORDERED BY HIS DOCTOR, AND MAY HAVE ENGAGED IN FALSE CHARTING.

THERE IS ALSO EVIDENCE THAT KESTER WAS 85, HAD CO-MORBIDITY AILMENTS, THAT THE NURSING HOME PROVIDED NUMEROUS CARE PLANS, AND THAT PRESSURE WOUNDS ARE OFTEN UNAVOIDABLE.

## DISCUSSION

SO, HOW DO YOU DECIDE WHETHER TO ALLOW THE PUNITIVE DAMAGES CLAIM TO GO TO THE JURY?

Punitive damages may only be awarded when “[t]he actions or omissions of [the] defendant demonstrate **malice** . . . The plaintiff must demonstrate that punitive damages are appropriate “by clear and convincing evidence[.]” *Estate of Kester Samples v. LaGrange Nursing*, 2024-Ohio-4441 (9<sup>th</sup> Dist.), ¶ 12, emphasis added.

Pertinent herein, the Ninth District defines “actual malice” thus,

“Actual malice,” for purposes of punitive damages, consists of . . . “a **conscious disregard for the rights and safety of other persons that has a great probability of causing substantial harm.**” \* \* \* This definition describes “a positive element of conscious wrongdoing . . . This element has been termed conscious, deliberate or intentional. It requires the party to possess knowledge of the harm that might be caused by his behavior[.]” and “mere negligence” is not sufficient. *Id.* at ¶ 13, emphasis added.

## DISCUSSION

Clarifying the issue further, the Ninth District continued,

. . . “actual malice requires consciousness of the near certainty (or otherwise stated ‘great probability’) that substantial harm will be caused by the tortious behavior. Any less callous mental state is insufficient to incur that level of societal outrage necessary to justify an award of punitive damages.” \* \* \* “Actual malice” for purposes of punitive damages, therefore, differs from recklessness with respect to the actor’s awareness of the risk and the degree of harm that is likely to result. \* \* \* On the other hand, “actual malice” is a different issue than whether proof of a “direct intent to injure” is required.

*Id.* at ¶ 17.

## DISCUSSION

DO WE HAVE A NEW STANDARD OF REVIEW?

- BEYOND A REASONABLE DOUBT
- ACTUAL MALICE (“SUBSTANTIAL CERTAINTY”)
- CLEAR & CONVINCING
- PREPONDERANCE
- PROBABLE CAUSE
- ARTICULATABLE SUSPICION

## HYPOTHESIS #5

CAN YOU REVOKE, MODIFY, OR AMEND BAIL  
WITHOUT A HEARING

PACO POSTED A \$25,000 BOND AND IS RELEASED  
PENDING TRIAL ON ONE COUNT OF F2 FELONIOUS  
ASSAULT. THE PROSECUTOR JUST FILED A MOTION TO  
REVOKE BOND ON THE GROUNDS THAT PACO WAS  
CHARGED LAST NIGHT WITH OVI AND WEAPONS UNDER  
DISABILITY.

CAN YOU IMMEDIATELY REVOKE BOND

DO YOU HAVE TO HAVE A HEARING?

WHAT IF PACO IS ON CCS?

## DISCUSSION

R.C. 2937.011 PRETRIAL RELEASE

“When a judicial officer, either on motion of a party or on the court’s own motion . . . requires a modification of the conditions of release, the judicial officer may order additional or different types, amounts, or conditions of bail, or may eliminate or lessen conditions of bail the court determines are no longer necessary. Unless the parties agree to a modification, the court **shall** hold a hearing on the modification of bond as promptly as possible.”

R.C. 2937.011(G)

## DISCUSSION

In *Massoud v. Pretel* 2023-Ohio-3811, (8<sup>th</sup> Dist.), the trial court revoked the defendant's bond without a hearing in order to conduct a mental health evaluation.

"Without statutory authority, the trial court has improperly ordered petitioner detained without bail and without any justification under law. Such confinement is unlawful. This is the ill that the writ of habeas corpus was designed to alleviate . . ."

*Id.* at ¶ 14.

TAKE AWAY – ABSENT AN AGREEMENT, HAVE A HEARING PRIOR TO REVOKING OR MODIFYING BAIL.

QUESTIONS – DOES IT CHANGE ANYTHING IF THE DEF IS ON CCS?

## HYPO #6

WHAT IS A TRIAL "ON THE CLOCK" & WHEN TO EMPLOY IT

YOUR OLDEST CIVIL CASE IS SET FOR TRIAL IN 14 DAYS. YOU PUT ON YOUR STANDARD, PRE-TRIAL ORDER DISCUSSING EVIDENCE, WITNESSES, MOTIONS *IN LIMINE*, *VOIR DIRE*, etc.

RECOGNIZING THAT THIS IS A CONTENTIOUS LITIGATION AND THE PARTIES FIGHT ABOUT EVERYTHING, YOU ARE CONSIDERING PUTTING THEM "ON THE CLOCK"

## DISCUSSION

WHAT IS A TRIAL "ON THE CLOCK"?

DO YOU HAVE THE AUTHORITY TO ORDER IT?

WHEN SHOULD YOU USE IT?

EVID. R. 611 "Mode and order of Interrogation and Presentation

The court shall exercise reasonable control over the mode and order of interrogating witnesses and presentation of evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid the needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.

EVID. R. 611(A)

## DISCUSSION

R.C. 2945.03 "CONTROL OF TIME"

The judge of the trial court shall control all proceedings during a criminal trial . . . with a view to expeditious and effective ascertainment of the truth . . .

TIME LIMITS ON *VOIR DIRE*

"Nothing in the record suggests that the trial judge abused his discretion in the various rulings he made that the defendant complains about here. In addition, the time limits on voir dire are within the trial court's discretion and the record indicates that they were enforced against both sides."

*State v. Nields*, 2001-Ohio-1291, \*28.

## DISCUSSION

### TIME LIMITS ON OPENING STATEMENTS

"In his sixth and final assignment of error, appellant contends the trial court abused its discretion by imposing time limits on *voir dire*, opening statements . . ." \* \* \* Under R.C. 2945.03, the trial court reserves the right and responsibility to control the proceedings of a criminal trial."

*State v. Blumensaadt*, 2001 WL 1116458, 11<sup>th</sup> Dist., Lake No. 2000-L-107.

". . . Trial court did not abuse its discretion in restricting time for and precluding use of photographs in opening statement . . ." \* \* \* The trial court imposed similar time limits on all parties . . ."

*Johnson v. U.S. Title Agency*, 2020-Ohio-4056, ¶ 75-79 (8<sup>th</sup> Dist.)

## DISCUSSION

### TIME LIMITS ON CLOSING ARGUMENTS

"Before the start of closing arguments, the trial court asked each side to limit arguments to 30 minutes and 10 or 15 minutes for rebuttal \* \* \* The time permitted for closing arguments is within the trial court's sound discretion \* \* \* The exercise of such discretion will not be interfered with by an appellate tribunal in the absence of a clear showing of its abuse to the prejudice of the substantial rights of the complaining party."

*State v. Garrett*, 2022-Ohio-4218, ¶ 197.

# DISCUSSION

## TIME LIMITS IN GENERAL

“This court has recently addressed the same time limitation – one hour for direct examination and 30 minutes for cross-examination – and held that the limitation does not constitute an abuse of discretion without a demonstration of what evidence a party was prohibited from presenting because of the limitation and how the party was prejudiced \* \* \* Our review of the record reveals that both parties were afforded approximately the same time in which to present evidence . . . Conduct direct examination, cross examination and re-cross . . .”

*Anderson-Fye v. Mullinax-Fye*, 2024-Ohio-5909, ¶ 108, 110 (8<sup>th</sup> Dist.)

## HYPOTHESIS #7

### RETENTION OF JURISDICTION AFTER SETTLEMENT

YOU HAVE JUST BEEN ADVISED BY THE PARTIES THAT A CIVIL CASE HAS BEEN SETTLED. YOU PUT ON AN ENTRY CANCELLING THE TRIAL AND ORDERING THE PARTIES TO SUBMIT A FINAL DISMISSAL ENTRY w/IN 30-DAYS.

WHAT DO YOU DO IF:

- 1) THEY NEVER SUBMIT AN ENTRY
- 2) THE ENTRY THEY SUBMIT DOES NOT CONTAIN LANGUAGE THAT THE COURT RETAINS JURISDICTION

## DISCUSSION

1) NO ENTRY IS SUBMITTED

DO YOU PUT ON YOUR OWN DISMISSAL ENTRY

WITH OR w/OUT PREJUDICE

DO YOU RETAIN JURISDICTION

2) A DISMISSAL ENTRY IS SUBMITTED THAT DOES NOT  
CONTINUE JURISDICTION

DO YOU ADD IT

## DISCUSSION

"We agree with those jurisdictions that allow a court to retain jurisdiction after dismissal in order to enforce an underlying settlement agreement \* \* \* Retaining jurisdiction provides the most efficient means of enforcing the agreement \* \* \* . . . the following language in a dismissal entry would suffice: 'The court retains jurisdiction to enforce the settlement agreement reached between the parties.'"

*Infinite Security Solutions v. Karam Properties*, 2015-Ohio-1101, ¶ 25, 31.

## HYPOTHESIS #8

### USE OF ZOOM FOR TRIAL

THE DAY BEFORE A MURDER CASE IS TO BEGIN, THE STATE FILES A MOTION TO ALLOW ITS FIRST, AND MOST IMPORTANT EYE-WITNESS, TO TESTIFY BY ZOOM FOR THE REASON THAT THE WITNESS WAS ADMITTED TO THE HOSPITAL AFTER BEING STRUCK BY A GARBAGE TRUCK.

THE WITNESS IS IN STABLE CONDITION BUT MUST REMAIN IN THE HOSPITAL FOR AT LEAST ANOTHER WEEK.

HOW DO YOU RULE?

## DISCUSSION

DO YOU HAVE A CONFRONTATION CLAUSE PROBLEM

WHAT ABOUT PUBLIC POLICY, INCONVENIENCE TO THE PARTIES, JUDICIAL EFFICIENCY

"The confrontation clause encompasses the right to have a witness physically appear in the courtroom, to require the witness to testify under oath, and to force the witness to be subject to cross examination \* \* \* . . . the right to confront the accused 'face to face' [is] central to the confrontation right . . ."

*State v. Samamra*, 2025-Ohio-126, ¶ 39, 40.

## DISCUSSION

BUT, IS THE RIGHT TO 'FACE TO FACE' CONFRONTATION *ABSOLUTE*

"In *Craig*, the Supreme Court of the United States held that this right is not absolute, is case-specific, and 'must occasionally' give deference to public policy 'where denial of such confrontation is necessary to further an important public policy and only where the reliability of the testimony is otherwise assured.'" *Maryland v. Craig*, 497 U.S. 836 (1990); *Samamra*, at ¶ 39.

In a subsequent case, *Carter*, the trial court allowed a state's witness to testify remotely *via* ZOOM over the defendant's objection without making case-specific findings. The Ohio Supreme Court found this to be error, but nevertheless affirmed the conviction as harmless because, "even without the witness's testimony, the remaining evidence at trial overwhelmingly supported the defendant's conviction."

*State v. Carter*, 2024-Ohio-1247, ¶ 35; *Samamra*, at ¶ 41.

## DISCUSSION

NOTE: IN *SAMAMRA*, THE SUPREME COURT ALSO FOUND THE TRIAL COURT ERRED BY ALLOWING THE ZOOM TESTIMONY BUT THAT IT TOO WAS HARMLESS ERROR, "IN LIGHT OF THE FORMIDABLE OTHER TESTIMONY AND EVIDENCE AGAINST HIM . . ."

*Samamra*, at ¶ 42.

WHAT ABOUT CHILD/VICTIM TESTIFYING REMOTELY OR WITH A SCREEN IN SEX CASE

"Court's allowing witness to testify via live video link did not violate confrontation clause." *State v. Oliver*, 2018-Ohio-3667, syllabus.

"Use of Skype did not violate confrontation clause in child rape case where victim was out of the country." *State v. Frierson*, 2019-Ohio-317, ¶ 30 (8<sup>th</sup> Dist.).

## HYPOTHESIS #9

### POST-CONVICTION COMPETENCY

AFTER PLEADING GUILTY, YOU PLACE BETTY BURGLAR ON CCS FOR A FIRST OFFENSE F3 ATT BURGLARY w/A 24-MONTH RESERVE SENT. PRIOR TO ACCEPTING HER PLEA, YOU FOUND BETTY INCOMPETENT, BUT RESTORABLE. AFTER TREATMENT, YOU FOUND HER COMPETENT, AND SHE PLEAD.

AFTER SIX-MONTHS ON CCS, SHE IS BEFORE YOU FOR A NUMBER OF MINOR VIOLATIONS AND A SERIOUS ONE. YOU, THE PO, THE PROSECUTOR, AND HER ATTORNEY ALL SEE SIGNS THAT SHE HAS DECOMPRESSED AND IS ONCE AGAIN SUFFERING FROM HER SMI. NORMALLY, YOU WOULD SEND HER TO PRISON FOR HER VIOLATIONS.

BUT YOU HAVE RESERVATIONS GIVEN HER MENTAL STATE.

WHAT DO YOU DO WITH HER?

## DISCUSSION

CAN YOU ORDER A NEW COMPETENCY EVALUATION

MUST YOU ORDER A NEW COMPETENCY EVALUATION

KEEP IN MIND THAT R.C. 2945.38 is captioned  
"Competency to Stand Trial"

SOME GUIDANCE

(1) Issue of competency to participate in probation revocation proceedings may be raised by court or defendant, and decision to hold a competency hearing must be made on a case-by-case basis in exercise of sound discretion of trial court;

## DISCUSSION

(2) It was within the sound discretion of the trial court not to conduct competency hearing in instant case; (3) insanity is not a complete defense in a probation revocation hearing but is a mitigating factor which court should consider when the issue is timely raised; (4) it was not error for court to revoke probation, notwithstanding probation's claim that his probation violation was the result of his mental illness.

AND

"The defendant was not on trial but, rather, was participating in a probation revocation hearing \* \* \* If the issue is raised after trial, the court shall hold a hearing on the issue only for good cause shown"

*State v. Qualls*, 50 Ohio App. 3d 56, 57 (10<sup>th</sup> Dist., 1988)

## DISCUSSION

(1) Due process did not preclude revocation of probation even if probationer were insane at time of violation, (2) court was not required to hold competency hearing prior to conducting probation revocation proceeding.

*State v. Bell*, 66 Ohio App. 3<sup>rd</sup> 52, 56 (5<sup>th</sup> Dist. 1990)

"A community control revocation hearing is not a criminal trial \* \* \* Thus, a defendant in a community control revocation hearing does not have a full panoply of due process rights \* \* \* A defendant shall be presumed competent unless the issue is raised before or during a probation revocation hearing and there is demonstrated a substantial basis for the suggestion of incompetency."

*State v. Howard*, 2025-Ohio-1220, ¶ 13, 14 (4<sup>th</sup> Dist.)

## HYPOTHESIS #10

CAN YOU SENTENCE AN OFFENDER TO LIFE OR LWOP FOR A CHILD RAPE CONVICTION *WITHOUT* A SEXUALLY VIOLENT PREDATOR SPECIFICATION & WHAT DOES THE SVP SPEC DO TO A CHILD RAPE CHARGE

The Defendant in your court is charged with Rape under the R.C. 2907.02(A)(1)(b) section with a specification in the indictment that the victim was 12 years old at the time of the offense. The indictment does not contain a SVP specification.

He is convicted at trial, and the jury finds that the victim was 12 years old at the time of the offense.

## DISCUSSION

### QUESTIONS:

- 1) Can you sentence him to life in prison
- 2) If so, can you sentence him to LWOP or he is parole-eligible
- 3) If he is parole eligible, when
- 4) Must you refer to and sentenced under R.C. 2971.03
- 5) What changes if any of the four aggravating specs are present (force or threat of force, V < 10 y.o., offender has prior rape conviction, offender caused V serious physical harm)
- 6) What happens if defendant *does* have a SVP spec attached

## DISCUSSION

1) Can you sentence the Defendant to life in prison

YES. Unless offender < 16 y.o. and no four agg factors = F1

2) If so, can you sentence him to LWOP or is he parole-eligible

DEPENDS

3) If he is parole-eligible, when

DEPENDS

4) Must you refer to and sentence under 2971.03

YES

## DISCUSSION

So our defendant is convicted of Rape under R.C. 2907.02(A)(1)(b), 1) the Victim is less than 13 y.o. and 2) the offender is 16 or older. If offender <16 years old, straight mandatory F1, *unless* caused serious physical harm, victim >10 y.o., or prior rape offense.

If offender < 16 y.o. and no agg factors, sentence in R.C. 2907.02(B)

If offender > 16 y.o., you *must* sentence under R.C. 2971.03. “. . . an offender under division (A)(1)(b) of this section shall be sentenced to a prison term or term of life imprisonment pursuant to section 2971.03 . . .” Because 2907.02(B) says so!

WHY? R.C. 2971 is “Sentencing for sexually violent predators & 2971.03 is captioned, “Sentencing for sexually violent predator specification.”

WHAT’S THE PROBLEM?

## DISCUSSION

The problem is R.C. 2907.02(B) *requires* an offender (> 16) convicted under 2907.02(A)(1)(b) be sentenced pursuant to 2971.03, but we don't have a SVP spec here! So how/why are we in section 2971.03?

“. . . we find the application of Ohio's sentencing statutes to a conviction of rape under R.C. 2907.02(A)(1)(b) ("child rape provision") to be problematic . . . can an offender be sentenced under R.C. 2971.03 even though he did not plead guilty to and was not found guilty of a sexually violent predator specification."

*State v. Johnson*, 2010-Ohio-2214 ¶ 9 (8<sup>th</sup> Dist.).

## DISCUSSION

Ultimately, *Johnson* says yes.

OK, so what is the sentence you must impose on our defendant? Recall that he is over 16 y.o., the victim is 12 y.o. (or older than 9 but less than 14 – the "cutoff" is 10-13) and no SVP & no four agg factors.

Life imprisonment w/possibility of parole after 10-years  
R.C. 2971.03(B)(1)(a)

## DISCUSSION

OK – WHAT IF WE HAVE ANY OF THE FOUR AGG SPECS,  
BUT STILL NO SVP:

If the offender is has a prior rape conviction, caused serious physical harm to V, or V is < 10 y.o., NOW you may impose LWOP. R.C. 2907.02(B). NOTE: No threat or force.

If you do not impose LWOP (but could) and V is < 10 y.o., you *must* impose 15y – Life. R.C. 2971.03(B)(1)(b).

If offender compelled V by force or threat of force, has prior rape conviction, or caused serious physical harm, you *must* impose 25y – Life. R.C. 2971.03(B)(1)(c)

## DISCUSSION

ALRIGHT – NOW WE *DO* HAVE A SVP (FINALLY) - WHAT HAPPENS WITH SVP w/NO BIG FOUR AGG SPECS

If offender convicted of rape under 2907.02(A)(1)(b) *and* convicted of SVP spec, but no 2971.03(A)(2) (Big Four) specs, you *must* impose 25y – Life. R.C. 2971.03(A)(3)(d)(i).

If offender convicted of rape & SVP Spec under any section but (A)(1)(b), you *must* impose 10y – Life. R.C. 2971.03(A)(3)(d)(ii).

## DISCUSSION

AND FINALLY, WHAT ABOUT RAPE, A SVP, AND A (BIG FOUR) AGG SPEC

So what does the inclusion of the Sexually Violent Predator Spec on the 2907.02(A)(1)(b) child-rape charge do?

If offender convicted of rape under 2907.02(A)(1)(b) *and* convicted of SVP spec, if compelled V by force or threat of force, V <10 y.o., prior rape conviction, or caused serious physical harm to V, the **LWOP must be imposed**. R.C. 2971.03(A)(2) (If any of the Big Four agg specs present – must impose LWOP)

SEE: *State v. Bowers*, 2020-Ohio-5167, for a great discussion on these issues!

## BONUS QUESTION

GIVEN THE NATURE OF RAPE CASES, WHY NOT HAVE A SVP SPEC ON ALL OF THEM?

WHAT IS THE DIFFERENCE BETWEEN A:

SEXUALLY ORIENTED OFFENSE

SEXUALLY VIOLENT OFFENSE

SEXUALLY VIOLENT PREDATOR

WHERE DOES THE "SEXUAL MOTIVATION" SPEC FIT IN ALL OF THIS?

## DISCUSSION

SEXUALLY ORIENTED OFFENSE - R.C. 2971.01(F)/2950.01(A)

Rape/Sex Battery/GSI/SI/Importuning/Voyeurism, etc.

SIGNIFICANCE – Triggers SORN requirements R.C. 2050.03

SEXUALLY VIOLENT OFFENSE – R.C. 2971.01(G)

A violent sex offense, a designated homicide, assault, or kidnapping committed w/a sexual motivation

SEXUALLY VIOLENT PREDATOR – R.C. 2971.01(H)

A person who, on or after January 1, 1997, commits a sexually violent offense, and is likely to engage in the future, in one or more sexually violent offenses

## DISCUSSION

SO, GIVEN THE NATURE OF RAPE CASES, WHY NOT HAVE A SVP SPEC ON ALL OF THEM?

Because there must be evidence that the offender, "is likely to engage in the future, in one or more sexually violent offenses."

Not all rape cases have facts sufficient to prove this spec.

SVP Spec must be attached to indictment and can only apply to a "Violent Sex Offense" – R.C. 2941.148

SIGNIFICANCE – Opens the door to the life and LWOP sentences

## DISCUSSION

SEXUAL MOTIVATION SPEC – R.C. 2941.147

SM Spec must be attached to indictment and can only apply to Agg Murder, Murder, Invol. Manslaughter, Fel. Assault, Kidnapping

WHEN CHARGED – R.C. 2971.01(J)

“When the offender committed the offense with a purpose to gratify the sexual needs or desires of the offender.”

SIGNIFICANCE – Requires SORN reporting R.C. 2971.03(F)(1), does not enhance sentence.

## QUESTIONS

**END**





THE SUPREME COURT *of* OHIO  
JUDICIAL COLLEGE